

SB

105

Adopted

22-LS0909A
Luckhaupt
4/11/01

HOUSE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced:
Referred:

A RESOLUTION

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**
2 **Legislature, concerning Senate Bill No. 105, relating to crime victims.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of
5 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding
6 changes to the title of a bill, are suspended in consideration of Senate Bill No. 105, relating to
7 crime victims.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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MEMORANDUM

April 11, 2001

SUBJECT: HCS CSSB 105(JUD); Section 6, AS 12.30.075
(Work Order No. 22-LS0219\L)

TO: Representative Norman Rokeberg
Attn: Heather

FROM: Gerald P. Luckhaupt 
Legislative Counsel

Enclosed is the HCS CSSB 105(JUD) that you requested. I have one comment about sec. 6.¹ Be advised that the proposed language that provides for forfeited performance bonds to be held in trust by the court and paid to the crime victims may amount to an unconstitutional dedicated fund under Art. IX, § 7, Constitution of the State of Alaska, and may also constitute an unconstitutional expenditure of state assets without an appropriation in violation of the appropriation clause under Art. IX, § 13. It appears that once the violation that gives rise to the forfeiture has occurred and the court has ordered the forfeiture of the bond, the bond is now a state asset and must be disposed of by an appropriation. A somewhat similar procedure that involved the payment of fines to the Wildlife Safeguard Fund was questioned in an audit report and the Supreme Court barred the practice as being unconstitutional a number of years ago. See Audit Control Number 12-4431-93 (March 23, 1993), pages 16 and 33.

GPL:lmb
01-134.lmb

Enclosure

¹ I may have had more comments but considering the rushed nature of this request, our review has been limited.

AMENDMENT # 1

Moved by
Robertson
Adopted

OFFERED IN THE HOUSE

TO: HCS CSSB 105(JUD), Draft Version "L"

1 Page 6, lines 8-9:

2 Following "misdemeanor."

3 Delete "A copy of the completed form shall be provided"

4 Insert "The defendant shall provide a copy of the completed form"

5

6 Page 7, line 2 through Page 8, line 6:

7 Delete all material and insert:

8 (e) The Department of Law is authorized to collect restitution on behalf of the recipient
9 unless

10 (1) the recipient elects as provided in (f) of this section to enforce the order of
11 restitution without the assistance of the Department of Law; or

12 (2) the order requires restitution to be made in a form other than payment of a
13 specific dollar amount.

14 (f) The court shall forward a copy of an order of restitution to the Department of
15 Law when the judgement is entered. Along with the copy of the order, the court shall
16 provide the name, date of birth, social security number, and current address of the
17 recipient of the restitution and the defendant, to the extent that the court has that
18 information in its possession. Upon receipt of the order and other information from the
19 court, the Department of Law shall send a notice to the recipient regarding the recipient's
20 rights under this section, including the right to elect to enforce the order of restitution
21 without the assistance of the Department of Law. The information provided to the
22 Department of Law under this subsection is confidential and is not open to inspection as a
23 public record under AS 40.25.110. The Department of Law or its agents may not
24 disclose the information except as necessary to collect on the restitution.

1 (g) The Department of Law may not begin collection procedures on the order of
2 restitution until the recipient has been given notice and has been given 30 days after
3 receipt of notice to elect to collect the restitution without the assistance of the Department
4 of Law. A recipient may inform the Department of Law at a later time of the recipient's
5 election to collect the restitution without the assistance of the Department of Law; upon
6 receipt of that information, the Department of Law may no longer proceed with collection
7 efforts on behalf of the recipient. A recipient who has elected under this section to
8 collect restitution without the assistance of the Department of Law may not later request
9 the services of that department to collect the restitution.

10 (h) If the Department of Law or its agents proceed to collect restitution on behalf
11 of a recipient under (g) of this section, the actions of the Department of Law or an agent
12 of the Department of Law on behalf of the recipient do not create an attorney-client
13 relationship between the Department of Law and the recipient. The Department of Law
14 or its agent may not settle a judgement for restitution without the consent of the recipient
15 of the restitution.

16 (i) An action for damages may not be brought against the state or any of its
17 agents, officers, or employees based on an action or omission under this section.

18 (j) The Department of Law may enter into contracts on behalf of the state to carry
19 out the collection procedures of this section. The Department of Law may adopt
20 regulations necessary to carry out the collection procedures of this section, including the
21 reimbursement of attorneys fees and costs in appropriate cases.

22
23 Page 23, lines 19-20:

24 Following "election to"

25 Delete "inform the Department of Law of an election to"

26
27 Page 22, line 27:

28 Following "when the"

29 Delete "order"

30 Insert "judgement"

31

1 Page 23, line 29:

2 Following: "settle"

3 Delete "an order of"

4 Insert "a judgement for"

5

Adopted

AMENDMENT #2

OFFERED IN THE HOUSE

TO: HCS CSSB 105(JUD), Draft Version "L"

- 1 Page 1, line 2:
2 Delete "authority of litigants and the court to comment on the"
3
4 Page 2, line 1:
5 Delete "Rules 16 and 30"
6 Insert "Rule 16"
7
8 Page 8, lines 7 - 13:
9 Delete all material.
10 Insert a new bill section to read:
11 **"* Sec. 12. AS 12.55 is amended by adding a new section to read:**
12 **Sec. 12.55.151. Court may not reduce or mitigate punishment based on**
13 **victini's failure to appear or testify. Notwithstanding another provision of law,**
14 **when sentencing a defendant, a court may not mitigate or reduce the punishment of the**
15 **defendant based on, or otherwise consider as a mitigating factor or reason to impose a**
16 **lesser punishment, the failure of the crime victim to appear or testify."**
17
18 Page 25, lines 25 - 29:
19 Delete all material.
20
21 Renumber the following bill sections accordingly.
22
23 Page 26, lines 12 - 16:
24 Delete all material.

1

2 Renumber the following bill sections accordingly.

3

4 Page 27, line 1:

5 Delete "and 34 - 37"

6 Insert "34, and 35"

7

8 Page 27, line 5:

9 Delete "39, and 40"

10 Insert "37, and 38"

11

12 Page 27, line 7:

13 Delete "and 34 - 37"

14 Insert "34, and 35"

15

16 Page 27, line 9:

17 Delete "and 38"

18 Insert "and 36"

Adopted

AMENDMENT #3

OFFERED IN THE HOUSE

TO: HCS CSSB 105(JUD), Draft Version "L"

1 Page 2, line 2:

2 Delete "Rule 501"

3 Insert "Rules 402 and 501"

4

5 Page 16, lines 7 – 12:

6 Delete all material and insert:

7 **"Sec. 24.65.200. Victims' advocate's privilege not to testify or produce**
8 **documents or other evidence.** Except as may be necessary to enforce the provisions
9 of this chapter, the determinations, conclusions, thought processes, discussions,
10 records, reports, and recommendations of or information collected by the victims'
11 advocate or staff of the victims' advocate are not admissible in a civil or criminal
12 proceeding, and are not subject to questioning or disclosure by subpoena or
13 discovery."

14

15 Page 26, line 10:

16 Delete "Rule 501"

17 Insert "Rules 402 and 501"

18

19 Page 26, line 11:

20 Following "testify":

21 Insert "or produce evidence"

22 Following "court":

23 Insert "and precluding admissibility of certain evidence in certain cases"

Adopted

22-LS0219\L.3
Luckhaupt
4/18/01

AMENDMENT #4

OFFERED IN THE HOUSE

TO: HCS CSSB 105(JUD), Draft Version "L"

- 1 Page 16, lines 24 – 26:
- 2 Delete ", including the governor and lieutenant governor, when acting with regard to
- 3 executive clemency, judges, and magistrates"

Adopted

AMENDMENT #5

OFFERED IN THE HOUSE

TO: HCS CSSB 105(JUD), Draft Version "L"

1 Page 14, line 31:

2 Delete "or"

3

4 Page 15, line 3, following "rights":

5 Insert";

6 (5) a victim counselor concerning a matter made confidential by AS 18.66.200 -

7 18.66.250; or

8 (6) a justice agency concerning records that lead to the disclosure of a confidential

9 police informant."

All Adopted

Conceptual Amendment #6

Page 14, Line 6, after "privileges"

Delete: "that witnesses have in the courts of this state,"

Insert: "recognized by court rule and statute of this state,"

Conceptual Amendment #7

Page 15, Line 3, following "rights"

Insert: "or an attorney retained by the person or appointed by a court to represent the person."

Conceptual Amendment #8

Sunset date for the Office of Victim's Rights provisions: July 1, 2006

Conceptual Amendment #9

Page 5, Line 6

Delete: "forfeited and applied"

Not
offered

Amendment #5

CSSB 105 (FIN)

Rep. Berkowitz

Page 10, Line 8, following "knowingly"

Insert, "and without good cause"

Page 10, Line 9, following "knowingly"

Insert, "and without good cause"

Adopted

22-LS0219AL
Luckhaupt
4/11/01

**HOUSE CS FOR CS FOR SENATE BILL NO. 105(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS HALFORD, Donley, Taylor, Lincoln, Davis, Cowdery, Ward, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to victims' rights; relating to establishing an office of victims' rights;
2 relating to the authority of litigants and the court to comment on the crime victim's
3 choice to appear or testify in a criminal case; relating to compensation of victims of
4 violent crimes; relating to eligibility for a permanent fund dividend for persons
5 convicted of and incarcerated for certain offenses; relating to notice of appropriations
6 concerning victims' rights; relating to restitution for criminal and delinquency acts;
7 authorizing the state to collect restitution on behalf of victims of crime and delinquent
8 acts and the release of certain information related to that collection; relating to the
9 forfeiture of certain cash and other security for payment of other restitution; relating to
10 access by the Violent Crimes Compensation Board to certain records regarding
11 delinquency acts to award compensation to victims; relating to immunity for damages
12 related to certain collections of restitution; amending Rule 82, Alaska Rules of Civil

1 Procedure, Rules 16 and 30, Alaska Rules of Criminal Procedure, Rule 9, Alaska
2 Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for an
3 effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 SHORT TITLE. This Act may be known as the Crime Victims' Rights and Advocacy
8 Act of 2001.

9 * Sec. 2. AS 09.35.010 is amended to read:

10 Sec. 09.35.010. Judgments enforceable by execution. A writ of execution
11 may be issued in favor of

12 (1) a [THE] party in whose favor a judgment is given that requires the
13 payment of money or the delivery of real or personal property or either of them;

14 (2) the state on behalf of a victim of a crime or a delinquent act in
15 whose favor a judgment of restitution is ordered [MAY HAVE A WRIT OF
16 EXECUTION ISSUED FOR ITS ENFORCEMENT].

17 * Sec. 3. AS 09.38.030(f) is amended to read:

18 (f) The state may execute on a judgment awarded to the state or on a
19 judgment of restitution on behalf of a victim of a crime or a delinquent act, and
20 an officer or agent of the state or a state employee, or a former officer, agent, or
21 employee of the state may execute on a judgment to that person against a party to an
22 action who is incarcerated for a criminal conviction by sending a notice of levy to the
23 correctional facility in which the person is incarcerated. All money in an incarcerated
24 person's account at a correctional facility is available for disbursement under a notice
25 of levy under this subsection, in the following order of priority:

26 (1) to support the dependents of the incarcerated person and to provide
27 child support payments as required by AS 25.27;

28 (2) to satisfy restitution or fines ordered by a [SENTENCING] court to
29 be paid by the incarcerated person;

30 (3) to pay a civil judgment entered against the incarcerated person as a

1 result of that person's criminal conduct;

2 (4) to reimburse the state for an award made for violent crimes
3 compensation under AS 18.67 as a result of the incarcerated person's criminal
4 conduct;

5 (5) to satisfy other judgments entered against a prisoner in litigation
6 against the state; in this paragraph, "litigation against the state" has the meaning given
7 in AS 09.19.100.

8 * Sec. 4. AS 09.38.065(a) is amended to read:

9 (a) Notwithstanding other provisions of this chapter,

10 (1) a creditor may make a levy against exempt property of any kind to
11 enforce a claim for

12 (A) child support;

13 (B) unpaid earnings of up to one month's compensation or the
14 full-time equivalent of one month's compensation for personal services of an
15 employee; or

16 (C) state or local taxes;

17 (2) a creditor may make a levy against exempt property to enforce a
18 claim for

19 (A) the purchase price of the property or a loan made for the
20 express purpose of enabling an individual to purchase the property and used
21 for that purpose;

22 (B) labor or materials furnished to make, repair, improve,
23 preserve, store, or transport the property; and

24 (C) a special assessment imposed to defray costs of a public
25 improvement benefiting the property; and

26 (3) a creditor may make a levy against exempt property of any kind to
27 enforce the claim of a [CRIME] victim, including a judgment of restitution on
28 behalf of a victim of a crime or a delinquent act, if the claim arises from
29 [CRIMINAL] conduct of the debtor that results in a [FELONY] conviction of a crime
30 or an adjudication of delinquency, except that the debtor is entitled to an exemption
31 in property

1 (A) not to exceed an aggregate value of \$3,000 chosen by the
2 debtor from the following categories of property:

3 (i) household goods and wearing apparel reasonably
4 necessary for one household;

5 (ii) books and musical instruments, if reasonably held
6 for the personal use of the debtor or a dependent of the debtor; and

7 (iii) family portraits and heirlooms of particular
8 sentimental value to the debtor; and

9 (B) not to exceed an aggregate value of \$2,800 of the debtor's
10 implements, professional books, and tools of the trade.

11 * Sec. 5. AS 09.38.500 is amended by adding new paragraphs to read:

12 (16) "creditor" includes the state on behalf of a victim of a crime or a
13 delinquent act;

14 (17) "judgment of restitution"

15 (A) includes restitution ordered

16 (i) under AS 47.12.120 that is considered as a civil
17 judgment enforceable by execution under AS 47.12.170; and

18 (ii) as part of a sentence under AS 12.55.025(f) that is
19 considered as a judgment for money entered in a civil action;

20 (B) does not include a judgment for

21 (i) civil damages for torts under state law; or

22 (ii) restitution as a result of a violation of state law that
23 is not a felony or misdemeanor;

24 (18) "victim" has the meaning given in AS 12.55.185;

25 (19) "victim of a crime or a delinquent act" means a victim of a crime
26 or a delinquent act committed in violation of state law; "victim of a crime or a
27 delinquent act" does not include a victim of a violator of an ordinance of a political
28 subdivision of the state.

29 * Sec. 6. AS 12.30 is amended by adding a new section to read:

30 **Sec. 12.30.075. Forfeited cash and other securities.** Cash or other security
31 posted as bail or as security under AS 12.30.020 for an appearance bond or a

1 performance bond that has been forfeited by a court for a failure to appear or for
2 violation of conditions of release shall be held by the court in trust for the benefit of
3 the victim if, within 30 days after the forfeiture, the prosecuting authority gives notice
4 that restitution may be requested as part of the sentence if the defendant is convicted.
5 If the cash or other security is not returned to the defendant or other person under the
6 provisions of this chapter or under court rules, the court shall apply the cash or other
7 security to an order that the defendant pay restitution to the victim under AS 12.55. If
8 the cash or other security is applied to an order of restitution, a separate judgment in
9 favor of the state in that amount ~~forfeited and applied~~ shall be entered, and the
10 defendant shall be ordered to pay that separate judgment. If the court does not enter
11 an order or judgment of restitution, the cash or other security forfeited under this
12 section shall be disposed of as otherwise provided by law or court rule.

13 * Sec. 7. AS 12.55.023(b) is amended to read:

14 (b) A victim may submit to the sentencing court a written statement that the
15 victim believes is relevant to the sentencing decision [,] and may give sworn testimony
16 or make an unsworn oral presentation to the court at the sentencing hearing. If there
17 are numerous victims, the court may reasonably limit the number of victims who may
18 give sworn testimony or make an unsworn oral presentation during the hearing.
19 When requested by the victim of a felony or a class A misdemeanor, if the class A
20 misdemeanor is a crime involving domestic violence or a crime against a person
21 under AS 11.41, when the victim does not submit a statement, give testimony, or
22 make an oral presentation, the victims' advocate may submit a written statement
23 or make an unsworn oral presentation at the sentencing hearing on behalf of the
24 victim.

25 * Sec. 8. AS 12.55.045(c) is amended to read:

26 (c) If a defendant is sentenced to pay restitution, the court may grant
27 permission for the payment to be made within a specified period of time or in
28 specified installments. If the defendant fails to make one or more payments
29 required under this section, the victim or the state on the victim's behalf may
30 enforce the total amount remaining under the order of restitution as provided in
31 (l) of this section.

1 * **Sec. 9.** AS 12.55.045 is amended by adding new subsections to read:

2 (j) A defendant who is convicted of an offense for which restitution is ordered
3 shall submit financial information as ordered by the court. The Alaska Court System
4 shall prepare a form, in consultation with the Department of Law, for the submission
5 of the information; the form must include a warning that submission of incomplete or
6 inaccurate information is punishable as unsworn falsification under AS 11.56.210.
7 The defendant shall file the form with the court within 30 days after conviction of a
8 felony and within five days after conviction of a misdemeanor. A copy of the
9 completed form shall be provided to the prosecuting authority.

10 (k) The court, on its own motion or at the request of the prosecuting authority
11 or probation officer, may order a defendant on probation who has been ordered to pay
12 restitution to submit financial information to the court using the form specified in (j)
13 of this section. The defendant shall file the completed form with the court within five
14 days after the court's order. The defendant shall provide a copy of the completed form
15 to the prosecuting authority and the person's probation officer, if any.

16 (l) An order by the court that the defendant pay restitution is a civil judgment
17 for the amount of the restitution. The victim or the state on behalf of the victim may
18 enforce the judgment through any procedure authorized by law for the enforcement of
19 a civil judgment. If the victim or the state on the victim's behalf enforces or collects
20 restitution through civil process, collection costs and full reasonable attorney fees shall
21 be awarded. This section does not limit the authority of the court to enforce orders of
22 restitution.

23 (m) In this section, "conviction" means that the defendant has entered a plea of
24 guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or guilty
25 but mentally ill by a court or jury.

26 * **Sec. 10.** AS 12.55.051(d) is amended to read:

27 (d) The state may enforce payment of a fine [AND THE RESTITUTION
28 RECIPIENT MAY ENFORCE PAYMENT OF A RESTITUTION ORDER] against a
29 defendant under AS 09.35 as if the order were a civil judgment enforceable by
30 execution. This subsection does not limit the authority of the court to enforce fines
31 [AND ORDERS OF RESTITUTION TO VICTIMS].

1 * Sec. 11. AS 12.55.051 is amended by adding new subsections to read:

2 (e) The Department of Law is authorized to collect restitution ordered on
3 behalf of a recipient unless

4 (1) the recipient elects as provided in (f) of this section to proceed
5 without the assistance of the Department of Law; or

6 (2) the court orders restitution in a form other than a specific dollar
7 amount.

8 (f) The court shall forward a copy of an order of restitution to the Department
9 of Law when the judgment is entered. The Department of Law may not begin
10 collection procedures until the recipient has been given notice and has been given
11 days after receipt of notice to inform the Department of Law of an election to collect
12 restitution without the assistance of the Department of Law. A recipient may inform
13 the Department of Law at a later time of an election to collect restitution without the
14 assistance of the Department of Law; upon receipt of the information, the Department
15 of Law may no longer proceed with collection efforts on behalf of the recipient. A
16 recipient who has informed the Department of Law of an election under this
17 subsection may not later request the services of the Department of Law to collect the
18 restitution.

19 (g) When the court forwards a copy of an order of restitution to the
20 Department of Law under (f) of this section, the court also shall provide the name,
21 date of birth, social security number, and current address of the recipient of the
22 restitution and the defendant, to the extent that the court has that information in its
23 possession. The information provided under this subsection is confidential and is not
24 open to inspection as a public record under AS 40.25.110. The Department of Law or
25 its agents may not disclose the information except as necessary to collect on the
26 restitution.

27 (h) If the Department of Law or its agents proceed to collect restitution on
28 behalf of a recipient under (f) of this section, the actions of the Department of Law or
29 an agent of the Department of Law on behalf of the recipient do not create an attorney-
30 client relationship between the Department of Law and the recipient. The Department
31 of Law or its agent may not settle a judgment for restitution without the consent of the

1 recipient of the restitution.

2 (i) An action for damages may not be brought against the state or any of its
3 agents, officers, or employees based on an action or omission under this section.

4 (j) The Department of Law may enter into contracts on behalf of the state to
5 carry out the collection procedures of this section. The Department of Law may adopt
6 regulations necessary to carry out the collection procedures of this section.

7 * Sec. 12. AS 12.61 is amended by adding a new section to article 2 to read:

8 **Sec. 12.61.200. Comment not permitted.** (a) The decision of the crime
9 victim to testify or appear at a criminal case is not a proper subject of comment by
10 judge or counsel.

11 (b) Upon request, a party against whom the jury might draw an adverse
12 inference from the failure of a crime victim to appear or testify is entitled to an
13 instruction that no inference may be drawn therefrom.

14 * Sec. 13. AS 18.67.130(c) is amended to read:

15 (c) Compensation may not be awarded under this chapter in an amount in
16 excess of \$40,000 [\$25,000] per victim per incident. However, in the case of the death
17 of

18 (1) a victim who has more than one dependent eligible for
19 compensation, the total compensation that may be awarded as a result of that death
20 may not exceed \$80,000; the [\$40,000. THE] board may prorate the total awarded
21 among those dependents according to relative need; or

22 (2) two or more victims in the same incident who jointly have a
23 dependent eligible for compensation, the total compensation that may be
24 awarded as a result of those deaths may not exceed \$80,000.

25 * Sec. 14. AS 23.20.110(l) is amended to read:

26 (l) The department may provide information obtained under this chapter to an
27 agency of this state or to a person under contract with the state to

28 (1) verify the eligibility of an applicant for a public benefit or a
29 publicly financed payment;

30 (2) assist the state in the collection of fines, penalties, judgments of
31 restitution on behalf of victims of crimes or delinquent acts, or other payments

1 ordered by a court or an administrative agency; or

2 (3) collect money owed to the fund under this chapter.

3 * **Sec. 15.** AS 23.20.110 is amended by adding a new subsection to read:

4 (p) In this section, "judgment of restitution" has the meaning given in
5 AS 09.38.500.

6 * **Sec. 16.** AS 24.60.990(a)(9) is amended to read:

7 (9) "legislative director" means the director of the legislative finance
8 division, the legislative auditor, the director of the legislative research agency, the
9 ombudsman, the victims' advocate, the executive director of the Legislative Affairs
10 Agency, and the directors of the divisions within the Legislative Affairs Agency;

11 * **Sec. 17.** AS 24 is amended by adding a new chapter to read:

12 **Chapter 65. Office of Victims' Rights.**

13 **Sec. 24.65.010. Office of victims' rights.** There is created in the legislative
14 branch of the state the office of victims' rights. The victims' advocate is the director of
15 the office of victims' rights.

16 **Sec. 24.65.020. Appointment of the victims' advocate.** (a) A candidate for
17 appointment as the victims' advocate shall be nominated by the victims' advocate
18 selection committee composed of three members of the senate appointed by the
19 president of the senate and three members of the house of representatives appointed by
20 the speaker of the house. One member of a minority party caucus in each house shall
21 be appointed to the selection committee.

22 (b) The victims' advocate selection committee shall examine persons to serve
23 as victims' advocate regarding their qualifications and ability and shall place the name
24 of the person selected in nomination. The appointment is effective if the nomination is
25 approved by a roll call vote of two-thirds of the members of the legislature in joint
26 session. The vote on the appointment shall be entered in the journals of both houses.

27 **Sec. 24.65.030. Qualifications.** A person may not serve as victims' advocate

28 (1) unless the person has been a resident of the state for the three years
29 immediately preceding the person's appointment;

30 (2) unless the person has been engaged in the active practice of law for
31 the three years immediately preceding the person's appointment;

- 1 (3) unless the person has significant experience in criminal law;
2 (4) unless the person is an attorney licensed to practice law in this
3 state;
4 (5) within one year of the last day on which the person served as a
5 member of the legislature;
6 (6) while the person is a candidate for or holds another national, state,
7 or municipal office; the victims' advocate may not become a candidate for national,
8 state, or municipal office until one year has elapsed from the date the victims'
9 advocate vacates the office of victims' advocate;
10 (7) while the person is engaged in another occupation for which the
11 person receives compensation;
12 (8) unless the person is at least 21 years of age and is a qualified voter.

13 **Sec. 24.65.040. Term of office.** (a) The term of office of the victims'
14 advocate is five years. A victims' advocate may be reappointed but may not serve for
15 more than three terms.

16 (b) If the term of a victims' advocate expires without the appointment of a
17 successor under this chapter, the incumbent victims' advocate may continue in office
18 until a successor is appointed. If the victims' advocate dies, resigns, becomes
19 ineligible to serve, or is removed or suspended from office, the person appointed as
20 acting victims' advocate under AS 24.65.070(a) serves until a new victims' advocate is
21 appointed for a full term.

22 **Sec. 24.65.050. Removal.** The legislature, by a concurrent resolution adopted
23 by a roll call vote of two-thirds of the members of each house entered in the journal,
24 may remove or suspend the victims' advocate from office, but only for neglect of duty,
25 misconduct, or disability.

26 **Sec. 24.65.060. Compensation.** The victims' advocate is entitled to receive
27 an annual salary equal to Step A, Range 26, on the salary schedule set out in
28 AS 39.27.011(a) for Juneau.

29 **Sec. 24.65.070. Staff and delegation.** (a) The victims' advocate shall appoint
30 a person to serve as acting victims' advocate in the absence of the victims' advocate.
31 The victims' advocate shall also appoint assistants and clerical personnel necessary to

1 carry out the provisions of this chapter. Subject to AS 36.30.020, the victims'
2 advocate may enter into personal services and other contracts the victims' advocate
3 finds necessary to carry out the provisions of this chapter. The victims' advocate shall,
4 to the maximum extent practicable, conduct the duties and work of the office by
5 entering into personal services and other contracts the victims' advocate finds
6 necessary to carry out the provisions of this chapter.

7 (b) The victims' advocate may delegate to the assistants any of the victims'
8 advocate's duties except those specified in AS 24.65.150 and 24.65.160; however,
9 during the victims' advocate's absence from the principal business offices, the victims'
10 advocate may delegate the duties specified in AS 24.65.150 and 24.65.160 to the
11 acting victims' advocate for the duration of the absence. The duties specified in
12 AS 24.65.150 and 24.65.160 shall be performed by the acting victims' advocate when
13 serving under AS 24.65.040(b).

14 (c) The victims' advocate and the staff appointed by the victims' advocate are
15 in the exempt service under AS 39.25.110 and are not subject to the employment
16 policies under AS 24.10 or AS 24.20.

17 **Sec. 24.65.080. Office facilities and administration.** (a) Subject to
18 restrictions and limitations imposed by the executive director of the Legislative Affairs
19 Agency, the administrative facilities and services of the Legislative Affairs Agency,
20 including computer, data processing, and teleconference facilities, may be made
21 available to the victims' advocate to be used in the management of the office of
22 victims' rights and to carry out the purposes of this chapter.

23 (b) The salary and benefits of the victims' advocate and the permanent staff of
24 the victims' advocate shall be paid through the same procedures used for payment of
25 the salaries and benefits of other permanent legislative employees.

26 (c) The victims' advocate shall submit a budget for each fiscal year to the
27 Alaska Legislative Council, and the council shall annually submit an estimated budget
28 to the governor for information purposes in the preparation of the executive budget.
29 After reviewing and approving, with or without modifications, the budget submitted
30 by the victims' advocate, the council shall submit the approved budget to the finance
31 committees of the legislature.

1 **Sec. 24.65.090. Procedure.** (a) The victims' advocate shall, by regulations
2 adopted under AS 44.62 (Administrative Procedure Act), establish procedures for
3 advocacy on behalf of crime victims, receiving and processing complaints, conducting
4 investigations, reporting findings, and ensuring that confidential information obtained
5 by the victims' advocate in the course of advocacy on behalf of a crime victim or in
6 the course of an investigation will not be improperly disclosed. The victims' advocate
7 may establish procedures so that advocacy and investigations on behalf of crime
8 victims in felony cases take a priority over advocacy and investigations on behalf of
9 crime victims in misdemeanor cases.

10 (b) The office of victims' rights may not charge fees for the submission or
11 investigation of complaints.

12 **Sec. 24.65.100. Jurisdiction; duties.** (a) The victims' advocate has
13 jurisdiction to advocate on behalf of crime victims of felony offenses or class A
14 misdemeanors, if the class A misdemeanor is a crime involving domestic violence or a
15 crime against a person under AS 11.41, in the courts of the state and to investigate the
16 complaints of crime victims of felony offenses or class A misdemeanors, if the class A
17 misdemeanor is a crime involving domestic violence or a crime against a person under
18 AS 11.41, that they have been denied their rights under the constitution and the laws
19 of the state. In this subsection, "crime involving domestic violence" has the meaning
20 given in AS 18.66.990.

21 (b) The victims' advocate shall exercise reasonable care to

22 (1) ensure that the victims' advocate's exercise of jurisdiction granted
23 under this section does not interfere with an ongoing criminal investigation or with a
24 criminal prosecution;

25 (2) prevent employees of the office of victims' rights from making
26 extrajudicial statements that the victims' advocate is prohibited from making under the
27 Alaska Rules of Professional Conduct.

28 (c) The victims' advocate may not advise, counsel, or advocate on behalf of a
29 victim in a way that would

30 (1) prevent or discourage a victim from cooperating in a criminal
31 investigation;

1 (2) encourage a victim to withhold evidence in a criminal
2 investigation; or

3 (3) prevent or discourage a victim from testifying in a criminal
4 proceeding.

5 **Sec. 24.65.110. Advocacy on behalf of crime victims; records.** (a) The
6 victims' advocate shall assist crime victims in obtaining the rights crime victims are
7 guaranteed under the constitution and laws of the state with regard to the contacts
8 crime victims have with the justice agencies of the state.

9 (b) The victims' advocate may make the statement a crime victim is authorized
10 to make under art. I, sec. 24, Constitution of the State of Alaska, and AS 12.55.023, in
11 a court of the state when requested by the crime victim and when the crime victim
12 does not personally make a statement.

13 (c) When advocating on behalf of a crime victim in an ongoing criminal case
14 or juvenile adjudication, the victims' advocate is entitled to all information available to
15 the defendant or juvenile.

16 (d) Records obtained by the victims' advocate shall remain in the exclusive
17 custody of the victims' advocate. The victims' advocate may not disclose confidential
18 information to any person.

19 **Sec. 24.65.120. Investigations.** (a) The victims' advocate may investigate
20 complaints from crime victims that they have been denied the rights they are
21 guaranteed under the constitution and laws of this state.

22 (b) In an investigation, the victims' advocate may

23 (1) make inquiries and obtain information considered necessary;

24 (2) hold private hearings; and

25 (3) notwithstanding other provisions of law, have access at all times to
26 records of justice agencies, including court records of criminal prosecutions and
27 juvenile adjudications, necessary to ensure that the rights of crime victims are not
28 being denied; with regard to court and prosecution records, the victims' advocate is
29 entitled to obtain access to every record that the defendant is entitled to access or
30 receive.

31 (c) The victims' advocate shall maintain confidentiality with respect to all

1 matters and the identities of the complainants or witnesses coming before the victims'
2 advocate except insofar as disclosures may be necessary to enable the victims'
3 advocate to carry out duties and to support recommendations. However, the victims'
4 advocate may not disclose a confidential record obtained from a court or justice
5 agency.

6 *rule and*

6 Sec. 24.65.130. Powers. (a) Subject to the privileges *recognized by court* ~~that witnesses have in~~
7 ~~the courts of this state~~, the victims' advocate may compel by subpoena, at a specified
8 time and place, the

9 (1) appearance and sworn testimony of a person who the victims'
10 advocate reasonably believes may be able to give information relating to a matter
11 under investigation under AS 24.65.120; and

12 (2) production by a person of a record or object that the victims'
13 advocate reasonably believes may relate to the matter under investigation under
14 AS 24.65.120.

15 (b) If a person refuses to comply with a subpoena issued under (a) of this
16 section, the superior court may, on application of the victims' advocate, compel
17 obedience by proceedings for contempt in the same manner as in the case of
18 disobedience to the requirements of a subpoena issued by the court or refusal to testify
19 in the court.

20 (c) This section does not authorize the victims' advocate to issue a subpoena to

21 (1) a justice, judge, magistrate, or a law clerk acting under the
22 direction of a justice, judge, or magistrate, concerning a judicial action or nonaction
23 taken by, or under the direction of, the justice, judge, or magistrate;

24 (2) a person acting under the direction of a justice, judge, or
25 magistrate, other than a law clerk, concerning a judicial action or nonaction taken by,
26 or under the direction of, a justice, judge, or magistrate except to establish the
27 occurrence or nonoccurrence of the action or nonaction or the person's own actions or
28 nonactions; this paragraph does not authorize the victims' advocate to inquire into the
29 decision-making or thought process of the justice, judge, or magistrate;

30 (3) a member of a jury concerning a matter that was considered by the
31 jury; or

1 (4) the person accused or convicted of committing the crime that is the
2 basis for the complaint, and investigation under AS 24.65.120, concerning a denial of
3 rights.

4 **Sec. 24.65.140. Consultation.** Before giving an opinion or recommendation
5 that is critical of a justice agency or person as a result of an investigation under
6 AS 24.65.120, the victims' advocate shall consult with that agency or person. The
7 victims' advocate may make a preliminary opinion or recommendation available to the
8 agency or person for review, but the preliminary opinion or recommendation is
9 confidential and may not be disclosed to the public by the agency or person.

10 **Sec. 24.65.150. Procedure after investigation.** (a) The victims' advocate
11 shall report the advocate's opinion and recommendations to a justice agency if the
12 victims' advocate finds, after investigation under AS 24.65.120, that the agency has
13 denied a crime victim rights the crime victim is guaranteed under the constitution and
14 laws of this state.

15 (b) The victims' advocate may request the justice agency to notify the victims'
16 advocate, within a specified time, of any action taken on the recommendations.

17 (c) The report provided under (a) of this section is confidential and may not be
18 disclosed to the public by the justice agency. The victims' advocate may disclose the
19 report under AS 24.65.160 only after providing notice that the investigation has been
20 concluded to the agency and after receiving the written approval of the complainant to
21 release the report.

22 **Sec. 24.65.160. Publication of recommendations.** Except as provided in
23 AS 24.65.150(c), within a reasonable amount of time after the victims' advocate
24 reports the advocate's opinion and recommendations to a justice agency, the victims'
25 advocate may present the opinion and recommendations to the governor, the
26 legislature, a grand jury, the public, or any of these. The victims' advocate shall
27 include with the opinion any reply made by the agency.

28 **Sec. 24.65.170. Annual report.** The victims' advocate shall make available to
29 the public an annual report of the victims' advocate's activities under this chapter and
30 notify the legislature that the report is available.

31 **Sec. 24.65.180. Judicial review.** A proceeding or decision of the victims'

1 advocate may be reviewed in superior court only to determine if it is contrary to the
2 provisions of this chapter.

3 **Sec. 24.65.190. Immunity of the victims' advocate.** A civil action may not
4 be brought against the victims' advocate or a member of the victims' advocate's staff
5 for anything done, said, or omitted in performing the victims' advocate's duties or
6 responsibilities under this chapter.

7 **Sec. 24.65.200. Victims' advocate's privilege not to testify or produce**
8 **documents or other evidence.** The victims' advocate and the staff of the victims'
9 advocate may not be compelled to testify or produce documents or other evidence in a
10 court regarding matters coming to their attention in the exercise or purported exercise
11 of their official duties except as may be necessary to enforce the provisions of this
12 chapter.

13 **Sec. 24.65.210. Penalty.** A person who knowingly hinders the lawful actions
14 of the victims' advocate or the staff of the victims' advocate, or who knowingly refuses
15 to comply with their lawful demands, is guilty of a misdemeanor and upon conviction
16 may be punished by a fine of not more than \$1,000. In this section, "knowingly" has
17 the meaning given in AS 11.81.900.

18 **Sec. 24.65.250. Definitions.** In this chapter,

19 (1) "justice agency" means a department, office, institution,
20 corporation, authority, organization, commission, committee, council, court, or board
21 in the executive or judicial branches of the state government that is, in any manner,
22 involved with or responsible for the apprehension, prosecution, incarceration, or
23 supervision of criminal or juvenile offenders; it also includes an officer, employee, or
24 member of an agency acting or purporting to act in the exercise of official duties,
25 including the governor and lieutenant governor, when acting with regard to executive
26 clemency, judges, and magistrates;

27 (2) "victim" has the meaning given in AS 12.55.185.

28 * **Sec. 18.** AS 39.25.110 is amended by adding a new paragraph to read:

29 (34) the victims' advocate established under AS 24.65.010 and the
30 advocate's staff.

31 * **Sec. 19.** AS 39.27.022(d) is amended to read:

1 (d) This section applies to employees of the legislature only if the committee
2 responsible for adopting employment policies concerning the employee adopts a
3 written policy that the section applies. This section applies to the employees of the
4 office of the ombudsman only if the ombudsman adopts a policy that the section
5 applies. This section applies to the employees of the office of victims' rights only
6 if the victims' advocate adopts a policy that the section applies.

7 * Sec. 20. AS 39.35.385(f) is amended to read:

8 (f) Subject to AS 39.35.450, an employee is eligible for a normal retirement
9 benefit at age 60 or an early retirement benefit at age 55 if the employee was first
10 hired as a legislative employee before May 30, 1987, and has at least 60 days of
11 credited service as an employee of the legislature, other than as an employee of the
12 Office of the Ombudsman or the office of victims' rights, during each of five
13 legislative sessions. An employee who was first hired as a legislative employee on or
14 after May 30, 1987, and is otherwise eligible under this subsection must have at least
15 80 days of credited service during each of five legislative sessions to receive benefits
16 under this subsection.

17 * Sec. 21. AS 43.23.005(d) is amended to read:

18 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is
19 not eligible for a permanent fund dividend for a dividend year when

20 (1) during the qualifying year, the individual was sentenced as a result
21 of conviction in this state of a felony;

22 (2) during all or part of the qualifying year, the individual was
23 incarcerated as a result of the conviction in this state of a

24 (A) felony; or

25 (B) misdemeanor if the individual has been convicted of

26 (i) a prior felony as defined in AS 11.81.900; or

27 (ii) two or more prior misdemeanors [CRIMES] as

28 defined in AS 11.81.900.

29 * Sec. 22. AS 43.23.028 is amended to read:

30 **Sec. 43.23.028. Public notice.** (a) By October 1 of each year, the
31 commissioner shall give public notice of the value of each permanent fund dividend

1 for that year and notice of the information required to be disclosed under (3) of this
2 subsection. In addition, the stub attached to each individual dividend check and direct
3 deposit advice must

4 (1) disclose the amount of each dividend attributable to income earned
5 by the permanent fund from deposits to that fund required under art. IX, sec. 15,
6 Constitution of the State of Alaska;

7 (2) disclose the amount of each dividend attributable to income earned
8 by the permanent fund from appropriations to that fund and from amounts added to
9 that fund to offset the effects of inflation;

10 (3) disclose the amount by which each dividend has been reduced due
11 to each appropriation from the dividend fund, including amounts to pay the costs of
12 administering the dividend program and the hold harmless provisions of
13 AS 43.23.075;

14 (4) include a statement that an individual is not eligible for a dividend
15 when

16 (A) during the qualifying year, the individual was convicted of
17 a felony;

18 (B) during all or part of the qualifying year, the individual was
19 incarcerated as a result of the conviction of a

20 (i) felony; or

21 (ii) misdemeanor if the individual has been convicted of

22 a prior felony or two or more prior misdemeanors [CRIMES];

23 (5) include a statement that the legislative purpose for making
24 individuals listed under (4) of this subsection ineligible is to

25 (A) obtain reimbursement for some of the costs imposed on the
26 state criminal justice system related to incarceration or probation of those
27 individuals;

28 (B) provide funds for services for and payments to crime
29 victims and for grants for the operation of domestic violence and sexual assault
30 programs;

31 (6) disclose the total amount that would have been paid during the

1 previous fiscal year to individuals who were ineligible to receive dividends under
2 AS 43.23.005(d) if they had been eligible;

3 (7) disclose the total amount appropriated for the current fiscal year
4 under (b) of this section for each of the funds and agencies listed in (b) of this section.

5 (b) To the extent that amounts appropriated for a fiscal year do not exceed the
6 total amount that would have been paid during the previous fiscal year to individuals
7 who were ineligible to receive dividends under AS 43.23.005(d) if they had been
8 eligible, the notice requirements of (a)(3) of this section do not apply to appropriations
9 from the dividend fund to [THE]

10 (1) the crime victim compensation fund established under
11 AS 18.67.162 for payments to crime victims;

12 (2) the council on domestic violence and sexual assault established
13 under AS 18.66.010 for grants for the operation of domestic violence and sexual
14 assault programs; [OR]

15 (3) the Department of Corrections for incarceration and probation
16 programs;

17 (4) the office of victims' rights; or

18 (5) nonprofit victims' rights organizations for grants for services to
19 crime victims.

20 * Sec. 23. AS 44.62.040(c) is amended to read:

21 (c) Before submitting the regulations and orders of repeal to the lieutenant
22 governor under (a) of this section, every state agency that by statute possesses
23 regulation making authority, except boards and commissions, the office of victims'
24 rights, and the office of the ombudsman, shall submit to the governor for review a
25 copy of every regulation or order of repeal adopted by the agency, except regulations
26 and orders of repeal identified in (a)(1) - (2) of this section. The governor may review
27 the regulations and orders of repeal received under this subsection. The governor may
28 return the regulations and orders of repeal to the adopting agency before they are
29 submitted to the lieutenant governor for filing under (a) of this section [,] (1) if they
30 are inconsistent with the faithful execution of the laws, or (2) to enable the adopting
31 agency to respond to specific issues raised by the Administrative Regulation Review

1 Committee. The governor may not delegate the governor's review authority under this
2 subsection to a person other than the lieutenant governor.

3 * Sec. 24. AS 44.62.215 is amended to read:

4 **Sec. 44.62.215. Record of public comment.** In the drafting, review, or other
5 preparation of a proposed regulation, amendment, or order of repeal, an agency, other
6 than a board or commission, the office of victims' rights, and the office of the
7 ombudsman, shall keep a record of its use or rejection of factual or other substantive
8 information that is submitted in writing as public comment and that is relevant to the
9 accuracy, coverage, or other aspect of the proposed regulatory action.

10 * Sec. 25. AS 44.66.050(c) is amended to read:

11 (c) A determination as to whether a board or commission or agency program
12 has demonstrated a public need for its continued existence must take into
13 consideration the following factors:

14 (i) the extent to which the board, commission, or program has
15 operated in the public interest;

16 (2) the extent to which the operation of the board, commission, or
17 agency program has been impeded or enhanced by existing statutes, procedures, and
18 practices that it has adopted, and any other matter, including budgetary, resource, and
19 personnel matters;

20 (3) the extent to which the board, commission, or agency has
21 recommended statutory changes that are generally of benefit to the public interest;

22 (4) the extent to which the board, commission, or agency has
23 encouraged interested persons to report to it concerning the effect of its regulations
24 and decisions on the effectiveness of service, economy of service, and availability of
25 service that it has provided;

26 (5) the extent to which the board, commission, or agency has
27 encouraged public participation in the making of its regulations and decisions;

28 (6) the efficiency with which public inquiries or complaints regarding
29 the activities of the board, commission, or agency filed with it, with the department to
30 which a board or commission is administratively assigned, or with the office of
31 victims' rights or the office of the ombudsman have been processed and resolved;

1 (7) the extent to which a board or commission that regulates entry into
2 an occupation or profession has presented qualified applicants to serve the public;

3 (8) the extent to which state personnel practices, including affirmative
4 action requirements, have been complied with by the board, commission, or agency to
5 its own activities and the area of activity or interest; and

6 (9) the extent to which statutory, regulatory, budgeting, or other
7 changes are necessary to enable the agency, board, or commission to better serve the
8 interests of the public and to comply with the factors enumerated in this subsection.

9 * **Sec. 26.** AS 44.99.240(2) is amended to read:

10 (2) "state agency" means

11 (A) a department, institution, board, commission, division,
12 authority, public corporation, or other administrative unit of the executive
13 branch, including the University of Alaska and the Alaska Railroad
14 Corporation;

15 (B) a committee, division, or administrative unit of the
16 legislative branch, including the Alaska Legislative Council, the leadership of
17 each house, the office of victims' rights, and the office of the ombudsman;

18 (C) an administrative unit of the judicial branch, including the
19 Alaska Judicial Council and the Commission on Judicial Conduct.

20 * **Sec. 27.** AS 47.12.130 is amended by adding a new subsection to read:

21 (d) For purposes of restitution under AS 47.12.120(b), the court shall order the
22 minor, and the minor's parent if applicable, to submit financial information, on a
23 specified form, to the court, the department, and the Department of Law. The Alaska
24 Court System shall prepare the form in consultation with the department and the
25 Department of Law; the form must include a warning that submission of incomplete or
26 inaccurate information is punishable as unsworn falsification under AS 11.56.210.
27 The persons required to submit information under this subsection shall comply within
28 five days after the entry of the dispositional order under AS 47.12.120.

29 * **Sec. 28.** AS 47.12.155(b) is amended to read:

30 (b) If a minor is found to be a delinquent under AS 47.12.120, the court may
31 order that the minor's parent or guardian

1 (1) personally participate in treatment reasonably available in the
2 parent's or guardian's location as specified in a plan set out in the court order;

3 (2) notify the department if the minor violates a term or condition of
4 the court order; and

5 (3) comply with any other conditions set out in the court order,
6 including a condition in an order requiring a parent to pay restitution ordered on
7 behalf of a victim of a delinquent act.

8 * Sec. 29. AS 47.12.170 is amended to read:

9 Sec. 47.12.170. **Enforcement of restitution.** A person who is a recipient of a
10 restitution order involving a minor found delinquent under AS 47.12.120, or the state
11 on behalf of the restitution recipient, may enforce an order for restitution under
12 AS 47.12.120 against the minor and the minor's parent under AS 09.35 as if the order
13 were a civil judgment enforceable by execution. If the recipient or the state on the
14 recipient's behalf enforces or collects restitution through civil process, collection
15 costs and full reasonable attorney fees shall be awarded. This section does not
16 limit the authority of the court to otherwise enforce orders of payment for restitution.
17 An order of restitution enforced under this section does not limit under other law the
18 civil liability of the minor or the minor's parent as a result of the delinquent conduct.

19 * Sec. 30. AS 47.12.170 is amended by adding new subsections to read:

20 (b) The Department of Law is authorized to collect restitution on behalf of the
21 recipient unless

22 (1) the recipient elects as provided in (c) of this section to enforce the
23 order of restitution without the assistance of the Department of Law; or

24 (2) the order requires restitution to be made in a form other than
25 payment of a specific dollar amount.

26 (c) The court shall forward a copy of an order of restitution to the department
27 when the order is entered. Along with the copy of the order, the court shall provide
28 the name, date of birth, social security number, and current address of the recipient of
29 the restitution, the minor, and the minor's parent, to the extent that the court has that
30 information in its possession. Upon receipt of the order and other information from
31 the court, the department shall send a notice to the recipient regarding the recipient's

1 rights under this section, including the right to elect to enforce the order of restitution
2 without the assistance of the Department of Law. When 30 days have passed since the
3 recipient received the notice, or when the department receives the recipient's response
4 to the notice, whichever is earlier, the department shall send to the Department of Law
5 a copy of the order of restitution; the name, date of birth, social security number, and
6 current address of the recipient, the minor, and the minor's parent; the notice sent to
7 the recipient under this subsection; and the recipient's response, if any. If a response
8 from the recipient reaches the department after the department has sent the order of
9 restitution and other information to the Department of Law under this subsection, the
10 department shall immediately send the response to the Department of Law. The
11 information provided to the Department of Law under this subsection is confidential
12 and is not open to inspection as a public record under AS 40.25.110. The Department
13 of Law or its agents may not disclose the information except as necessary to collect on
14 the restitution.

15 (d) The Department of Law may not begin collection procedures on the order
16 of restitution until the recipient has been given notice under (c) of this section and has
17 been given 30 days after receipt of notice to elect to collect the restitution without the
18 assistance of the Department of Law. A recipient may inform the Department of Law
19 at a later time of the recipient's election to inform the Department of Law of an
20 election to collect the restitution without the assistance of the Department of Law;
21 upon receipt of the information, the Department of Law may no longer proceed with
22 collection efforts on behalf of the recipient. A recipient who has elected under this
23 section to collect restitution without the assistance of the Department of Law may not
24 later request the services of that department to collect the restitution.

25 (e) If the Department of Law or its agents proceed to collect restitution on
26 behalf of a recipient under (c) of this section, the actions of the Department of Law or
27 an agent of the Department of Law on behalf of the recipient do not create an attorney-
28 client relationship between the Department of Law and the recipient. The Department
29 of Law or its agent may not settle an order of restitution without the consent of the
30 recipient of the restitution.

31 (f) An action for damages may not be brought against the state or any of its

1 agents, officers, or employees based on an action or omission under this section.

2 (g) The Department of Law may enter into contracts on behalf of the state to
3 carry out the collection procedures of this section. The Department of Law may adopt
4 regulations necessary to carry out the collection procedures of this section, including
5 the reimbursement of attorney fees and costs in appropriate cases.

6 * Sec. 31. AS 47.12.310(b) is amended to read:

7 (b) A state or municipal agency or employee shall disclose

8 (1) [SHALL DISCLOSE] information regarding a case to a federal,
9 state, or municipal law enforcement agency for a specific investigation being
10 conducted by that agency; and

11 (2) [SHALL DISCLOSE] appropriate information regarding a case to

12 (A) a guardian ad litem appointed by the court;

13 (B) a person or an agency requested by the department or the
14 minor's legal custodian to provide consultation or services for a minor who is
15 subject to the jurisdiction of the court under this chapter as necessary to enable
16 the provision of the consultation or services;

17 (C) school officials as may be necessary to protect the safety of
18 the minor who is the subject of the case and the safety of school students and
19 staff or to enable the school to provide appropriate counseling and supportive
20 services to meet the needs of a minor about whom information is disclosed;

21 (D) a governmental agency as may be necessary to obtain that
22 agency's assistance for the department in its investigation or to obtain physical
23 custody of a minor;

24 (E) a law enforcement agency of this state or another
25 jurisdiction as may be necessary for the protection, rehabilitation, or
26 supervision of any minor or for actions by that agency to protect the public
27 safety;

28 (F) a victim or to the victim's insurance company as may be
29 necessary to inform the victim or the insurance company about the arrest of the
30 minor, including the minor's name and the names of the minor's parents, copies
31 of reports, or the disposition or resolution of a case involving a minor;

1 (G) the state medical examiner under AS 12.65 as may be
2 necessary to perform the duties of the state medical examiner; [AND]

3 (H) foster parents or relatives with whom the child is placed by
4 the department as may be necessary to enable the foster parents or relatives to
5 provide appropriate care for the child who is the subject of the case, to protect
6 the safety of the child who is the subject of the case, and to protect the safety
7 and property of family members and visitors of the foster parents or relatives;

8 (I) the Department of Law or its agent for use and
9 subsequent release if necessary for collection of an order of restitution on
10 behalf of the recipient; and

11 (J) the Violent Crimes Compensation Board established in
12 AS 18.67.020 for use in awarding compensation under AS 18.67.080.

13 * Sec. 32. AS 09.38.065(d) is repealed.

14 * Sec. 33. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 INDIRECT COURT RULE AMENDMENT. (a) The provisions of AS 12.55.045(l),
17 enacted by sec. 9 of this Act, and the provisions of AS 47.12.170, as amended by sec. 29 of
18 this Act, have the effect of amending Rule 82, Alaska Rules of Civil Procedure, by
19 authorizing full reasonable attorney fees for certain cases of victim restitution.

20 (b) The provisions of AS 12.55.045(l), enacted by sec. 9 of this Act, and
21 AS 47.12.170, as amended by sec. 29 of this Act, that authorize full reasonable attorney fees
22 take effect only if (a) of this section receives the two-thirds majority vote of each house
23 required by art. IV, sec. 15, Constitution of the State of Alaska. Otherwise, the provisions
24 shall require an award of collection costs and reasonable attorney fees.

25 * Sec. 34. The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 INDIRECT COURT RULE AMENDMENT. AS 12.61.200, added by sec. 12 of this
28 Act, has the effect of amending Rule 30, Alaska Rules of Criminal Procedure, relating to
29 instructions to the jury.

30 * Sec. 35. The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 INDIRECT COURT RULE AMENDMENT. AS 24.65.110 and 24.65.120, added by
2 sec. 17 of this Act, have the effect of amending Rule 16, Alaska Rules of Criminal Procedure,
3 and Rule 9, Alaska Delinquency Rules, by allowing the victims' advocate a right of access to
4 information in criminal prosecutions and juvenile adjudications that is equal to that available
5 to criminal defendants or juveniles when the advocate is engaging in advocacy or that is
6 unlimited when the advocate is engaging in investigations concerning victims' rights.

7 * **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 INDIRECT COURT RULE AMENDMENT. AS 24.65.200, added by sec. 17 of this
10 Act, amends Rule 501, Alaska Rules of Evidence, by creating a new privilege from being
11 compelled to testify in a court.

12 * **Sec. 37.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 APPLICABILITY. AS 12.61.200, added by sec. 12 of this Act, is not intended to
15 interfere with any constitutional rights and applies only to the extent permitted by the United
16 States Constitution and the Constitution of the State of Alaska.

17 * **Sec. 38.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 APPLICABILITY. Sections 2 - 6, 8 - 11, 14, 15, and 27 - 32 of this Act apply to
20 judgments or orders of restitution entered in adjudications of delinquency of minors or in
21 criminal cases before, on, or after the effective date of secs. 2 - 6, 8 - 11, 14, 15, and 27 - 32
22 of this Act.

23 * **Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 TRANSITION: REGULATIONS. The state agencies affected by this Act may
26 immediately proceed to adopt regulations necessary to implement the changes made by this
27 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
28 before the effective date of the applicable statutory change.

29 * **Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 TRANSITION. Notwithstanding the effective date of secs. 1, 7, 12, 13, 16 - 20, 23 -

1 26, and 34 - 37 of this Act, to the extent that there are appropriations for the purpose, the
2 executive director of the Legislative Affairs Agency may purchase supplies and equipment,
3 obtain office space, and employ clerical staff so that the office of victims' rights, created in
4 sec. 17 of this Act, is able to begin work on July 1, 2002.

5 * **Sec. 41.** Sections 21, 22, 39, and 40 of this Act take effect immediately under
6 AS 01.10.070(c).

7 * **Sec. 42.** Sections 1, 7, 12, 13, 16 - 20, 23 - 26, and 34 - 37 of this Act take effect July 1,
8 2002.

9 * **Sec. 43.** Sections 2 - 6, 8 - 11, 14, 15, 27 - 33, and 38 of this Act take effect January 1,
10 2002.

Sectional Analysis

HCS CS Senate Bill 105 (JUD) "Office of Victims Rights"

Section 1: provides a short title.

Section 2: allows the state, on behalf of a victim for restitution, to get a writ of execution.

Section 3: allows the state, on behalf of a victim for restitution, to execute a judgement against an incarcerated person's correctional facility account.

Section 4: expands the language in the existing statute allowing creditors to make a levy against exempt property to a person convicted of a crime or a delinquent. Current statute only allows the judgements against convicted felons.

Section 5: adds definitions to the Alaska Exemption Act.

Section 6: allows forfeited bond to be paid to the victim.

Section 7: allows the victims' advocate, when requested by the victim, to make a statement on the victim's behalf at time of sentencing.

Section 8: provides direction to the penalty for missed restitution payments.

Section 9: Adds new sections to the statutes regarding restitution:

(j) Requires a convict who is ordered to pay restitution to provide financial information to the courts and requires the court to share the information with the prosecutor.

(k) Allows the court to order a defendant on probation that is ordered to pay restitution to provide financial information and requires the defendant to share the information with their probation officer and the prosecutor.

(l) Specifies that an order for restitution is a civil judgement and can be enforced through the procedures already specified in law. Allows victims, or state on their behalf, to get collection costs and reasonable attorney fees.

(m) defines "conviction" for this section.

Section 10: removes references to restitution in 12.55.051.

Section 11: adds new sections to the statutes regarding enforcement of fines and restitution.

(e) Allows the Department of Law to collect restitution unless the victim doesn't want their assistance or the restitution is not a specific dollar amount.

(f) Requires the court to forward a copy of the order of restitution to DOL. Provides guidelines to DOL about when they can assist a victim in collecting restitution. Specifies that a victim that has rejected DOL's assistance to collect restitution cannot later request their assistance.

(g) Requires the court to provide certain identification information to DOL with the restitution order. Specifies that the information is confidential and cannot be disclosed except for collection purposes.

(h) Specifies that DOL does not have an attorney-client relationship with the recipient and that

DOL cannot settle a judgement for restitution without the recipient's consent.

(i) Gives the state immunity from civil action for carrying out these duties.

(j) Gives DOL the authority to contract out to collection agencies and adopt regulations.

Section 12: prohibits a judge or counsel from commenting on a victim choosing not to testify in a criminal case. Entitles the affected party to ask for a jury instruction that no inference be drawn from a victim not testifying.

Section 13: increases the compensation available to victims of crime by the Violent Crimes Compensation Board.

Section 14: specifies that the Department of Labor can share information in order to assist the state in the collection of restitution.

Section 15: adds a definition to the Alaska Employment Security Act.

Section 16: adds the victims' advocate to the definition of "legislative director" in the legislative ethics code.

Section 17: amends AS 24 by creating a new chapter establishing the Office of the Victims' Rights in the legislative branch. The following sections are created:

AS 24.65.010 creates the Office of Victims' Rights.

AS 24.65.020 establishes appointment procedures.

AS 24.65.030 establishes qualifications.

AS 24.65.040 defines the term of office.

AS 24.65.050 provides for removal of the victims' advocate.

AS 24.65.060 lists the salary for the victims' advocate.

AS 24.65.070 allows employment of staff and establishes their duties.

AS 24.65.080 office space and administration for the Office of Victims' Rights.

AS 24.65.090 requires advocate to adopt regulations.

AS 24.65.100 establishes when the victims' advocate can act.

AS 24.65.110 defines duties of the victims' advocate and access to records.

AS 24.65.120 specifies how and when the victims' advocate may investigate complaints of denial of crime victims' rights.

AS 24.65.130 provides subpoena power to the victims' advocate.

AS 24.65.140 requires the victims' advocate to consult with a justice agency before publishing a report.

AS 24.65.150 specifies the victims' advocate's duties upon completion of investigation.

AS 24.65.160 permits the victim's advocate to publish opinions and recommendations.

AS 24.65.170 requires the victims' advocate to publish an annual report.

AS 24.65.180 limits judicial challenge of the victims' advocate's actions.

AS 24.65.190 provides immunity against civil action to the victims' advocate and staff.

AS 24.65.200 provides evidentiary privilege against being compelled to testify to the victims' advocate and staff.

AS 24.65.210 sets out a criminal penalty for obstruction of the victims' advocate's duties.

AS 24.65.250 contains definitions applicable to this chapter.

Section 18: specifies that the Victims' Advocate and staff are in the exempt category.

Section 19: provides option of adopting longevity pay provisions to the Victims' Advocate.

Section 20: excepts OVR employees from using the conditional service retirement benefit for legislative employees.

Section 21: expands PFD ineligibility to a person who has been convicted of a misdemeanor and has one prior felony conviction.

Section 22: amends the public notice statute to conform with the changes in Section 9 and provides that the proceeds of the PFD forfeiture may be used to fund the Office of Victims' Rights and for grants to nonprofit victims' rights organizations.

Section 23: exempts regulations promulgated by the OVR from gubernatorial review.

Section 24: exempts the victims' advocate from record keeping requirements.

Section 25: requires that sunset review of agencies consider interaction with OVR.

Section 26: names OVR as state agency for purposes of state publications.

Section 27: requires the minor and minor's parent, if applicable, to provide financial information if ordered to pay restitution in a delinquent minor proceeding.

Section 28: allows the court to require that a parent or guardian pay restitution ordered in a delinquent minor proceeding.

Section 29: expands the language in the existing section of the delinquent minor law dealing with restitution to include the state on behalf of a recipient. Allows victims, or state on their behalf, to get collection costs and reasonable attorney fees.

Section 30: adds new sections to the statutes regarding enforcement of restitution for delinquent minors.

(b) Allows the Department of Law to collect restitution unless the victim doesn't want their assistance or the restitution is not a specific dollar amount.

(c) Specifies the procedure for the courts and HESS to notify DOL and the victim of the restitution order and what information must be provided to DOL. Specifies that the information is confidential and cannot be disclosed except for collection purposes

(d) Provides guidelines to DOL about when they can assist a victim in collecting restitution. Specifies that a victim that has rejected DOL's assistance to collect restitution cannot later request their assistance.

(e) Specifies that DOL does not have an attorney-client relationship with the recipient and that DOL cannot settle a judgement for restitution without the recipient's consent.

(f) Gives the state immunity from civil action for carrying out these duties.

(g) Gives DOL the authority to contract out to collection agencies and adopt regulations.

Section 32: removes the definition of "victim" from 09.38.065. It is now in 09.38.500, which is the definition section for that chapter.

Sections 33 -36: provide notice of court rule changes.

Section 37: specifies that section 12 is not intended to interfere with any constitutional rights.

Section 38: applicability of the restitution order sections of the bill.

Section 39: allows state agencies to immediately adopt necessary regulations.

Section 40: allows the Director of LAA to purchase supplies and equipment and establish office space for the new OVR in FY 01 to allow for the opening of the office in FY 02.

Section 41: immediate effective date for the PFD collection and transition sections.

Section 42: delayed effective date for the Office of Victims' Rights.

Section 43: delayed effective date for the sections enabling DOL to collect restitution.



ALASKA STATE LEGISLATURE

Senator Rick Halford

President of the Senate

Sponsor Statement Senate Bill 105

While in Session:
State Capitol
Juneau, AK 99801-1182
907-465-4958

While in Interim:
P.O. Box 670190
Chugiak, AK 99567
907-694-4958

"The Crime Victims' Rights and Advocacy Act of 2001"

On November 8, 1994, the voters of Alaska ratified an amendment to the Constitution of the State of Alaska, which provides specific rights to victims of crime. The overwhelming approval rate -- 86.6% in favor -- was testament of Alaskans' belief that:

"Crime victims, as defined by law, shall have the following rights as provided by law; the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to confer with the prosecution; the right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process; the right to timely disposition of the case following the arrest of the accused; the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present; the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; the right to restitution from the accused; and the right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication."

---- ARTICLE I, SECTION 24, ALASKA CONSTITUTION

Passage of SB 105 will put in place a mechanism to guarantee the practical application of this very important Constitutional Amendment. It is time for victims to have advocacy when dealing with a judicial system so heavily weighted to the benefit of criminals, and based on a process replete with technicalities and legal jargon, rendering it virtually indecipherable to anyone other than the attorneys.

As was brought out in testimony on similar legislation last session, "While the criminals and the prosecution have their attorneys, the victims are too often left to sit alone in the shadow of justice." I urge your support for this legislation.



ALASKA STATE LEGISLATURE

Senator Rick Halford

President of the Senate

Sponsor Statement

Senate Bill 105

While in Session:
State Capitol
Juneau, AK 99801-1182
907-465-4958

While in Interim:
P.O. Box 670190
Chugiak, AK 99567
907-694-4958

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As was brought out in testimony on similar legislation last session, "While the criminals and the prosecution have their attorneys, the victims are too often left to sit alone in the shadow of justice." I urge your support for this legislation.

Sectional Analysis

Senate Bill 105 "Office of Victims Rights"

Section 1 of the bill provides a short title.

Section 2 of the bill allows the victims' advocate, when requested by the victim, to make a statement on the victim's behalf at time of sentencing.

Section 3 of the bill prohibits a judge or counsel from commenting on a victim choosing not to testify in a criminal case. Entitles the affected party to ask for a jury instruction that no inference be drawn from a victim not testifying.

Section 4 of the bill increases the compensation available to victims of crime by the Violent Crimes Compensation Board.

Section 5 of the bill adds the victims' advocate to the definition of "legislative director" in the legislative ethics code.

Section 6 of the bill amends AS 24 by creating a new chapter establishing the Office of the Victims' Rights in the legislative branch. The following sections are created:

- AS 24.65.010 creates the Office of Victims' Rights.
- AS 24.65.020 establishes appointment procedures.
- AS 24.65.030 establishes qualifications.
- AS 24.65.040 defines the term of office.
- AS 24.65.050 provides for removal of the victims' advocate.
- AS 24.65.060 lists the salary for the victims' advocate.
- AS 24.65.070 allows employment of staff and establishes their duties.
- AS 24.65.080 office space and administration for the Office of Victims' Rights.
- AS 24.65.090 requires advocate to adopt regulations.
- AS 24.65.100 establishes when the victims' advocate can act.
- AS 24.65.110 defines duties of the victims' advocate and access to records.
- AS 24.65.120 specifies how and when the victims' advocate may investigate complaints of denial of crime victims' rights.
- AS 24.65.130 provides subpoena power to the victims' advocate.
- AS 24.65.140 requires the victims' advocate to consult with a justice agency before publishing a report.
- AS 24.65.150 specifies the victims' advocate's duties upon completion of investigation.
- AS 24.65.160 permits the victim's advocate to publish opinions and recommendations.
- AS 24.65.170 requires the victims' advocate to publish an annual report.

- AS 24.65.180 limits judicial challenge of the victims' advocate's actions.
- AS 24.65.190 provides immunity against civil action to the victims' advocate and staff.
- AS 24.65.200 provides evidentiary privilege against being compelled to testify to the victims' advocate and staff.
- AS 24.65.210 sets out a criminal penalty for obstruction of the victims' advocate's duties.
- AS 24.65.250 contains definitions applicable to this chapter.

Section 7 of the bill specifies that the Victims' Advocate and staff are in the exempt category.

Section 8 of the bill provides option of adopting longevity pay provisions to the Victims' Advocate.

Section 9 of the bill excepts OVR employees from using the conditional service retirement benefit for legislative employees.

Section 10 of the bill expands PFD ineligibility to a person who has been convicted of a misdemeanor and has one prior felony conviction.

Section 11 of the bill amends the public notice statute to conform with the changes in Section 9 and provides that the proceeds of the PFD forfeiture may be used to fund the Office of Victims' Rights and for grants to nonprofit victims' rights organizations.

Section 12 of the bill exempts regulations promulgated by the OVR from gubernatorial review.

Section 13 of the bill exempts the victims' advocate from record keeping requirements.

Section 14 of the bill requires that sunset review of agencies consider interaction with OVR.

Section 15 of the bill names OVR as state agency for purposes of state publications.

Sections 16 - 18 of the bill provide notice of court rule changes.

Section 19 of the bill specifies that section 3 of the bill is not intended to interfere with any constitutional rights.

Section 20 of the bill allows the Director of LAA to purchase supplies and equipment and establish office space for the new OVR in FY 01 to allow for the opening of the office in FY 02.

Sections 21 and 22 of the bill are the effective date clauses.

FISCAL N

STATE OF ALASKA
2001 LEGISLATIVE SESSION

No. 4
Bill Version: CSSB 105(JUD)
(S) Publish Date: 3/14/01

Revision Date: _____
Title: "An Act relating to victims' rights;
relating to establishing an office of victims' rights;
Sponsor: Senator Halford
Requestor: Senator Halford

Department Affected: Legislature
BRU: Legislative Council
Component: Council and Subcommittees

Component Number: 783

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 02 | FY 03 | FY 04 | FY 05 | FY 06 | FY 07 |
|------------------------|-------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES | 11.4 | 425.3 | 425.3 | 425.3 | 425.3 | 425.3 |
| TRAVEL | 0 | 4.5 | 4.5 | 4.5 | 4.5 | 4.5 |
| CONTRACTUAL | 7.6 | 30.4 | 30.4 | 30.4 | 30.4 | 30.4 |
| SUPPLIES | 0.5 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| EQUIPMENT | 44.4 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 63.9 | 462.2 | 462.2 | 462.2 | 462.2 | 462.2 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------------------|---|---|---|---|---|---|
| REVENUE FUND SOURCE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---|-------------|--------------|--------------|--------------|--------------|--------------|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER FUND SOURCE <u>PFD Fund -1050</u> | 63.9 | 462.2 | 462.2 | 462.2 | 462.2 | 462.2 |
| TOTAL | 63.9 | 462.2 | 462.2 | 462.2 | 462.2 | 462.2 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 1 | 7 | 7 | 7 | 7 | 7 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary) CSSB105(JUD) establishes an Office of Victims' Rights in the Legislative Branch of Government. The Victims' Advocate will be nominated by the Victims's Advocate Selection Committee. The 5 year appointment is effective if approved by two-thirds of the members of the legislature in a joint session. The Legislative Affairs Agency will acquire office space, purchase furnishings, and hire one clerical worker in FY02 for the office. For purposes of this fiscal note, staff for the office will be 2 attorneys, 1 paralegal and 3 clerical personnel. The Legislative Affairs Agency will provide administrative support services for payroll, accounting, teleconferencing, supply, maintenance and data processing within existing budgets. This bill adds the Office of Victims' Rights to the three other programs under AS 43.23.028(b) requiring annual appropriation from the PFD Fund.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
Division: Administrative Services Date: 3/8/01

Approved By: Pamela A. Varni, Executive Director *Pamela Varni*
Agency: Legislative Affairs Agency Date: 3/8/01

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

COMMITTEE COPY

Expenses of the Victim's Advocate Selection Committee will be absorbed within existing budgets.

SB105
#4

Personal Services

| | | | |
|-------------|-----------|----------------|-------|
| Director | Range 26A | 92,373 | |
| 2 Attorneys | Range 23A | 157,516 | |
| 1 Paralegal | Range 16A | 51,454 | |
| 1 Secretary | Range 14A | 45,713 | |
| 1 Secretary | Range 12A | 41,067 | |
| 1 Secretary | Range 10A | 37,167 | |
| | | <u>425,291</u> | 425.3 |

Travel

Travel for the Executive Director

| | | |
|--|--------------|-----|
| 3 in state trips to attend meetings | 2,895 | |
| 1 out of state trip to meet with victims' rights organizations in other states | <u>1,605</u> | |
| | 4,500 | 4.5 |

Contractual Services

| | | |
|----------------------------|---------------|------|
| Phones | 3,600 | |
| Postage | 3,000 | |
| Copier Maintenance | 600 | |
| Membership Dues | 500 | |
| Subscriptions | 500 | |
| Office Space - 1,000 sq ft | <u>22,200</u> | |
| | 30,400 | 30.4 |

Supplies

| | | |
|-----------------|--------------|-----|
| Office Supplies | <u>2,000</u> | |
| | 2,000 | 2.0 |

FY 03 - 06 Annual Cost 462.2

Equipment

| | |
|------------------------------|-----------|
| 7 desktop computers | 14,700 |
| 3 printers | 4,926 |
| 1 copier | 8,500 |
| 7 Phones | 4,550 |
| Fax machine | 600 |
| 3 Executive desks | 4,500 |
| 4 Administrative desks | 2,800 |
| 7 chairs | 3,150 |
| 3 side chairs | 600 |
| 4 chairs for waiting clients | <u>84</u> |
| | 44,410 |

FY 02 Equipment Cost 44.4

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: SB 105
(S) Publish Date: 3/1/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue
Title: Victims' Rights / Prisoners' PFDs BRU: Revenue Operations
Sponsor: Senator Halford Component: Permanent Fund Dividend
Requester: Senate Judiciary Committee Component Number: 981

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)

As it relates to the Alaska Permanent Fund Dividend Division, this legislation expands the reach of state statute to withhold dividends from Alaskans convicted of criminal offenses. The legislation (Section 9, AS 43.23.005(d)) would expand the number of non-eligible Alaskans to include people convicted or incarcerated on a misdemeanor charge during the dividend eligibility year if they also have a prior conviction for a felony. Existing statute already denies the dividend to applicants convicted or incarcerated during the eligibility year on a felony charge or his or her third misdemeanor.

The Dividend Division does not expect this legislation to have a fiscal impact on the operating budget of the dividend program.

It is not possible to estimate the number of applicants who might lose their dividend eligibility under this legislation. However, it should be noted that denying dividends to some of the applicants covered by this legislation could actually deny the funds to creditors of those applicants, including the Child Support Enforcement Division, state student loan program, private businesses and others.

Prepared by: Nanci A. Jones, Director Phone 465-4785
Division: Permanent Fund Dividend Division Date/Time Feb. 22, 2001, 1 p.m.
Approved by: Larry Persily, Deputy Commissioner Date Feb. 24, 2001
Agency: Department of Revenue

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 105
 (S) Publish Date: 3/1/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to victims' rights; . . . an office of BRU Criminal Division/Civil Division
victims' rights; . . . compensation of victims of violent crimes . . ." Component Human Services
 Sponsor Senator Halford 1st-4th Jud Dist, Crim Apps/Spec Lit
 Requester Senate Judiciary Committee Component No. 2198-99/2261/79/01/03/06

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 | ***** | ***** | ***** | ***** | ***** |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| 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 | ***** | ***** | ***** | ***** | ***** |

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)

SB 105 establishes in the legislative branch the Office of Victims' Rights, directed by the victims' advocate, effective July 1, 2002. The victims' advocate will advocate on behalf of crime victims in felony cases in the courts of the state and investigate complaints of crime victims in felony and certain class A misdemeanor cases that they have been denied their rights under the constitution and laws of the state.

The potential fiscal impact from enactment of this law on the Department of Law is dependent on the philosophy and depth of involvement of the victims' advocate. At a minimum, the length of time required for cases in which the victims' advocate participates will increase, simply by virtue of having an additional attorney involved. The potential that the victims' advocate will be at odds with the prosecutor over matters involving trial strategy, tactics, and plea negotiations would add additional time and expense. These costs are speculative, and the department cannot assign a cost without additional experience.

Prepared by: Joan M. Kasson Phone 465-5370
 Division Attorney General's Office Date/Time 2/27/01 12:15 PM
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 2/27/01
 Agency Department of Law

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 105
(S) Publish Date: 3/1/01

Title: An Act relating to victims' rights; relating to estab-
lishing an office of victims' rights; relating to compensation....
Sponsor: Senator Halford
Requester: Senator Judiciary
Dept. Affected: Corrections
BRU: 271
Component: Administrative Services
Component Number: 697

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 | 43.5 | 43.5 | 43.5 | 43.5 | 43.5 | 43.5 |
| Travel | | | | | | |
| Contractual | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 |
| Supplies | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 |
| Equipment | 2.5 | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 47.0 | 44.5 | 44.5 | 44.5 | 44.5 | 44.5 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

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

FUND SOURCE

| | | | | | | |
|--------------------------|------|------|------|------|------|------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 47.0 | 44.5 | 44.5 | 44.5 | 44.5 | 44.5 |
| 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 | 1 | 1 | 1 | 1 | 1 | 1 |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Section 9 of this legislation amends AS 43.23.005(d) which would deny PFD eligibility for people who are convicted and incarcerated for a misdemeanor and they had been previously convicted of a felony, or two or more misdemeanors. The Department of Corrections has previously asked for a Statistical Technician I position to accommodate appeals and information requests resulting from PFD denials. The data and word processing unit will be unable to carry out their daily operations if more appeals and computer programming are added without a position.

Prepared by: Candace Brower Phone 465-4652
Division: Commissioner's Office Date/Time 2/22/01 9:30 AM
Approved by: Margaret Pugh Date 2/22/01
Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

Grief Recovery®

Janice Lienhart
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Anchorage, Alaska 99508

Phone: 907 337-0407
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Email: miko@gci.net

March 9, 2001

Senator Rick Halford
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Halford:

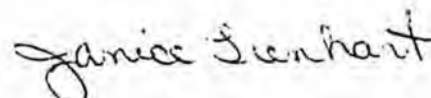
Thank you for reintroducing The Victims' Rights Bill, Senate Bill 105. I have worked with victims of crime for over 15 years receiving 258 hours of training in the field of victim services. To augment my training, I have experienced victimization and therefore have an added dimension to a victim's needs.

SB 105 provides legal assistance to victims of crime. Victims deserve legal representation but it is cost prohibitive. This bill provides legal assistance when their rights are violated and it does not take money from the general budget. Senator Halford, aware of the budget constraints, has creatively come up with funding, by using permanent fund dividends from repeat criminals. This is as it should be!

Legal representation for victims of crime is one of the topics discussed at National Organization of Victim Assistance Conferences (NOVA). About three or four years ago, I discussed the issue of legal representation with Senator Halford and shortly thereafter, he came up with this legislation. It is creative, cost effective and guarantees victim's rights.

I am impressed with the strides Alaska is taking in meeting victims of crime's needs. Department of Corrections, Department of Law, US Attorney's office and I understand the Department of Juvenile Justice is pursuing a victim service coordinator. Alaska is one of the leading states in victim's rights. Of the 35 states that have enacted Constitutional Amendments, only seven have included juveniles in their amendments. If Alaska enacts SB 105, I can see other states using Alaska as a model for their states. We will be the leader for victim's rights.

Sincerely,



Janice Lienhart
Victim Service Advocate
Grief Recovery Specialist



ALASKA STATE LEGISLATURE
Senator Rick Halford
President of the Senate

While in Session:
State Capitol
Juneau, AK 99801-1182
907-465-4958

While in Interim:
P.O. Box 670190
Chugiak, AK 99567
907-694-4958

Senate Bill 105
Office of Victims' Rights

State Justice Agency Financial Information

Department of Law - Criminal Division

| | FY 00 Actual | FY 01 Authorized | FY 02 Budget |
|-----------|--------------|------------------|--------------|
| BRU total | 12,556.4 | 13,144.4 | 14,747.8 |

Department of Administration - Legal and Advocacy Services

| | FY 00 Actual | FY 01 Authorized | FY 02 Budget |
|-----------------|--------------|------------------|--------------|
| Public Advocacy | 8,883.5 | 8,947.8 | 9,827.4 |
| Public Defender | 9,428.0 | 9,510.3 | 11,013.9 |
| BRU total | 18,311.5 | 18,459.1 | 20,843.3 |

The above represents annual state spending of \$ 35,589,100 for publicly funded criminal defense and state prosecution.

The Office of Victims' Advocacy, established by Senate Bill 105, has a projected annual funding level of approximately \$507,000.

may 1998

U.S. Department of Justice
Office of Justice Programs
Office for Victims of Crime



New
Directions
from the
Field:
*Victims' Rights and Services
for the 21st Century*

NCJ 170600

VICTIMS' RIGHTS RECOMMENDATION FROM THE FIELD #12

Victims of crime should receive assistance in exercising their participatory rights. Advocates should be available to explain rights to victims, help them to exercise those rights and, when necessary, serve as their representatives in court and other key justice processes when victims are underage or incapacitated or if representation is otherwise appropriate.

VICTIMS' RIGHTS RECOMMENDATION FROM THE FIELD #18

Victims should have standing to enforce their rights, and sanctions should be applied to criminal and juvenile justice professionals who deny victims their fundamental rights.

VICTIMS' RIGHTS RECOMMENDATION FROM THE FIELD #19

States and the federal government should create compliance enforcement programs, sometimes referred to as victim ombudsman programs, to help facilitate the implementation of victims' rights.

VICTIMS' RIGHTS RECOMMENDATION FROM THE FIELD #23

Criminal and juvenile justice agencies should establish a means of monitoring their own compliance with crime victims' rights laws and require public documentation showing that victims were provided their rights or indicating an appropriate reason why they were not. In addition, independent audits should be conducted of state and federal agency compliance with victims' rights laws.

May 1998

U.S. Department of Justice
Office of Justice Programs
Office for Victims of Crime



Office for Victims of Crime

OVC

Advocating for the Fair

Treatment of Crime Victims

Report

VICTIMS' RIGHTS COMPLIANCE EFFORTS:

EXPERIENCES IN THREE STATES

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Minnesota

The OCVO enabling legislation defines appropriate methods of conducting investigations, including acting as a liaison between victim and agency, promoting activities that strengthen criminal justice systems, preventing violations of a victim's right, and establishing procedures for referral to appropriate victims' services agencies.

In response to citizens' complaints, OCVO officials may make recommendations to the agency to rectify the situation. These recommendations range from contacting the agency on behalf of the victim and expressing concern about the issue at hand to voicing concern about the investigation of a case by law enforcement officials or suggesting model policies that the agency can employ to assure victims' rights are honored. If authorities do not accept the recommendations of the ombudsman, however, the OCVO has no enforcement or disciplinary powers. The ombudsman's principal means to secure remedial action is through making public, to both the legislature and the press, the action or inaction of an agency.

Typically, once a complaint is reported, the OCVO staff assesses the needs of the victim, determines whether referrals should be made to other agencies, and informs the complainant of the most appropriate manner for resolving the grievance. The OCVO next gathers information from the agency against which the victim alleges wrongdoing. Based on the information gleaned in the investigation, the investigator must determine whether any statute, policy, or practice was violated, or if mistreatment occurred. The investigator must determine the most appropriate resolution to the problem, plan for any subsequent follow-up with either the agency or the victim, and present the findings to the ombudsman for her review and approval.

With several years of fielding calls from victims and investigating alleged cases of mistreatment and unlawful behavior, OCVO officials have developed a variety of methods in responding to victims' concerns. OCVO officials like to respond to victims' concerns with "assists," or contact with the criminal justice official whose action is in question. Often this contact makes the criminal justice official aware that his action was not well received by the victim. Upon making this realization, most practitioners attempt to rectify their behavior immediately.

Another common method that the OCVO employs to assist victims of crime is to aid in clarifying for victims why the criminal justice system operates the way it does and why criminal justice practitioners make the decisions they do. For example, in a case where a victim's mother learned the prosecutor was not planning to bring charges against her daughter's assailant, the OCVO staff reviewed the case and the prosecutor's reasoning for declining prosecution. As a result of the OCVO investigation, the prosecutor sent a letter to the victim and explained in detail his reasoning for not bringing charges. While still disappointed in the charging decision, the mother better understood the prosecutor's reasoning in not trying the case.

Finally, the office, through its ability to make recommendations on policies and procedures that dictate the actions of criminal justice agencies, can affect systemic change as well. Once, when receiving three separate complaints involving one county's prosecutor and victim/witness program, OCVO investigators conducted a systemic investigation of the county's program. They recommended a needs assessment to determine if the county should restructure its current services, or if it needed more funding and increased staff. The recommendation was forwarded to the DOC, which conducted the assessment. The DOC has completed its analysis and currently is working with the county to help it meet its goals of improved services to crime victims.

- recommending legislative changes to laws affecting victims of crime.¹⁴⁸

The types of cases in which the ombudsman and her staff may intervene and investigate reflect the broad statutory authority of the OCVO. Since 1992, the OCVO has documented and intervened on several cases ranging from perceived mistreatment of victims by criminal justice officials, to those where OCVO officials worked with law enforcement investigators and a victim's wife after the exhumation of the victim's body to determine definitively the cause of his death.

The Minnesota statute allows OCVO staff to intervene on a victim's behalf when he feels that he is not being treated appropriately by the criminal justice system. Many complaints are resolved by "assists," when a victim's concerns may be addressed quickly by an OCVO investigator contacting the criminal justice official whose action is in question. One example of this type of victim complaint came from a homicide victim's mother who felt that she was not receiving timely information regarding the status of the investigation into her daughter's death. The mother did not contact the OCVO with a specific victims' rights violation, but perceived that she was being mistreated by the law enforcement agency because she was unable to obtain information on the status of the case.

OCVO officials resolved the complaint quickly by contacting the lieutenant in charge of the investigation to relay the mother's concerns. The lieutenant was receptive and agreed to contact the victim's family. According to OCVO records, the very next day, the

victim's mother advised OCVO officials that a representative of the law enforcement agency contacted her, apologized for any mistreatment, and promised to notify her in a timely fashion of the progression of the case. According to the OCVO account, she was satisfied with the action and requested that the OCVO terminate its action on the complaint.¹⁴⁹

OCVO officials note that resolving complaints with assists, as with this example, is fairly common, and that concerns about poor treatment — not only victims' rights violations — are repeatedly brought to the attention of OCVO officials by crime victims in Minnesota.¹⁵⁰

Another common method that the OCVO employs to assist victims of crime is to aid in clarifying for victims why the criminal justice system operates the way it does and why criminal justice practitioners make the decisions they do. One example of this sort came from a sexual assault victim's mother who contacted the OCVO when she learned that the prosecutor assigned to her daughter's case did not intend to bring charges against the assailant.

The OCVO reviewed the case and the prosecutor's reasoning for declining prosecution. As a result of the OCVO investigation, the prosecutor sent a letter to the victim and explained in detail his reasoning for not bringing charges. While still disappointed in the charging decision, the mother better understood the prosecutor's reasoning in not trying the case.¹⁵¹

Other complaints received by the OCVO relate to direct violations of Minnesota's Victims' Bill of Rights. In Minnesota, crime victims have the right to request notification from corrections officials when offenders are released from custody. In one situation, an assault victim contacted the OCVO seeking assistance when he could not get a consistent response from officials concerning the release date of his assailant.

When OCVO officials inquired, they found that the offender's history and circumstances were complex: during the period of time the assailant was on probation for assault against the complainant, he was charged with attempted murder in another county. To resolve the assault victim's complaint, OCVO officials worked with the offender's case worker to compile a lengthy case history of the offender, summarize his charges, sentences, and release dates, and forward that information to the complainant.¹⁵²

A more unusual example of the OCVO's powers to intervene emerged in a case where the cause of death of a victim was concluded incorrectly by law enforcement officials. In 1991, police officials found the body of a deceased man in his automobile, which had veered off the highway. Law enforcement officials and the medical examiner determined his cause of death was accidental.¹⁵³ However, after the man was buried, workers at a wreckage yard found in his car a cap pierced by a bullet hole, indicating that the man's death may not have been accidental, but may have been caused by a gunshot wound.¹⁵⁴ His body

¹⁴⁸ 1995–1996 BIENNIAL REPORT, *supra* note 100 at p. 5.

¹⁴⁹ 1993–1994 BIENNIAL REPORT, *supra* note 106, at p. 12.

¹⁵⁰ 1993–1994 BIENNIAL REPORT, *supra* note 106, at p. 12.

¹⁵¹ 1995–1996 BIENNIAL REPORT, *supra* note 100, at p. 28.

¹⁵² 1995–1996 BIENNIAL REPORT, *supra* note 100, at p. 26.

¹⁵³ 1993–1994 BIENNIAL REPORT, *supra* note 106, at p. 11–12.

¹⁵⁴ Maureen M. Smith, *Ombudsman Helps Crime Victims Find Peace*, Minneapolis Star Tribune, Jan. 3, 1994 [hereinafter *Peace*].

was exhumed and a second autopsy revealed that he in fact had been shot.¹⁵⁵

The OCVO intervened using a variety of techniques. The OCVO negotiated with the law enforcement agency on behalf of the victim's wife to resolve the concerns that arose from the case investigation, and provided training on victims' rights and the effects of victimization to employees of the law enforcement agency in question.

Perhaps most importantly, the OCVO met with the victim's wife and representatives of the law enforcement agency, who afforded her the opportunity to express her dissatisfaction with them and receive their apology. This acknowledgment of error was significant for the victim's wife. "It doesn't matter if a case lands on its feet," the ombudsman was quoted as saying after this case was resolved.

"The victim suffered a lot during that whole process. She was angry and upset."¹⁵⁶ Meeting with representatives of the law enforcement agency the gave her the satisfaction of knowing that this tragedy would not happen to another family, that officers were trained, and that policies were developed to ensure more accurate investigations, according to the OCVO.¹⁵⁷

Finally, the office, through its ability to make recommendations on policies and procedures that dictate the actions of criminal justice agencies can affect systemic change as well. One example of this type of intervention occurred when the OCVO received three separate complaints involving one county's prosecutor and victim/witness

program. All three victims reported poor service from these criminal justice agencies, and had specific complaints that ranged from excessive trial delays to little or no communication with victims.

Because the complaints were so similar in nature, OCVO investigators conducted a systemic investigation of the county's program. They recommended a needs assessment to determine if the county should restructure its current services, or if it needed more funding and increased staff. The recommendation was forwarded to the DOC, which conducted the assessment. The DOC has completed its analysis, and currently is working with the county to help it meet its goals of improved services to crime victims.¹⁵⁸

The OCVO, in its *Biennial Reports*, has documented "words of praise" from crime victims whom the office has assisted. A sampling of these comments which follow is reflective of the goals of the office to ensure fair and responsive government service to crime victims in a professional manner:¹⁵⁹

- "The investigator showed compassion to my needs and handled my complaint with professionalism. She is an asset to your office."
- "You provide a much needed service."
- "Just having someone skilled to look at our case was comforting."
- "The complaint was investigated quickly and efficiently."

It also publicly commends criminal justice agencies that

provide exceptional service to victims or who have undergone tremendous improvement in their delivery of services to victims. Criteria for selection for a public commendation are: flexibility, creativity, timeliness of response, cooperation, and commitment to share information with victims.¹⁶⁰

THE EVOLUTION OF THE OCVO

The OCVO office has evolved significantly since its inception, both with respect to leadership and mission. According to its *1995-1996 Biennial Report to Minnesota Policymakers*, the office has made several significant strides in the past decade. The scope of the ombudsman's oversight and investigative discretion, for example, grew after the legislature amended the state's Crime Victims' Bill of Rights to provide victims the right to give an impact statement and expanded a victims' right to notification and participation in the criminal justice process.¹⁶¹

As important, however, was the change that took place in 1992, with the appointment of the current ombudsman. Prior to 1992, the OCVO acted similarly to a victims' advocate, even though it was part of the criminal justice system. "Unlike a private [victims'] advocacy agency, this office is part of the [state's] system," according to the prior ombudsman.¹⁶² The OCVO mission and function has evolved since then to focus on neutrality and impartiality, which more clearly

¹⁵⁵ 1993-1994 BIENNIAL REPORT, *supra* note 106, at p. 11-12.

¹⁵⁶ *Peace*, *supra* note 154.

¹⁵⁷ 1993-1994 BIENNIAL REPORT, *supra* note 106, at p. 11-12.

¹⁵⁸ 1995-1996 BIENNIAL REPORT, *supra* note 100, at p. 27.

¹⁵⁹ 1995-1996 BIENNIAL REPORT, *supra* note 100, at p. 33.

¹⁶⁰ 1995-1996 BIENNIAL REPORT, *supra* note 100, at p. 34.

¹⁶¹ 1995-1996 BIENNIAL REPORT, *supra* note 100, at p. 19.

¹⁶² *One of a Kind*, *supra* note 104.