SB

169

SFIN

FILE

REPORTED OUT

MAY 0 3 2001

SENATE FINANCE COMMITEE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/1/01

FURTHER:

DATE TURNED IN TO OFFICE: 4 May 2001

Finance Committee considered SENATE BILL NO. 169

HATE CRIMES: AUTOMATIC WAIVER OF MINORS

"An Act relating to the nonapplicability of the delinquency laws to certain minors accused of certain crimes against persons directed at certain victims."
Committee considered

and recommends:

[✓] be **replaced** with____ **CS** SB 169 (FIN)

[ ] adopt **previous** ____ **CS** - CS forthcoming (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to _____ Committee

Senate Bill:
[✓] same title
[ ] new title

House Bill:
[ ] same title
[ ] technical title
[ ] new: SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
Corrections	5/2/01	*		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
Luke Green				
[illegible]	X			
[illegible]	X			
Gary Wilson			✓	
[illegible]	✓			
Loren D. Leman	✓			
COCHAIR: [illegible]	✓			
COCHAIR: [illegible]			✓	

REPORTED OUT

MAY 0 3 2001

SENATE FINANCE COMMITEE

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB 169
() Publish Date:

Revision Date/Time(Note if Correction): 5/2/01 15:23
Title: "An Act relating to the nonapplicability of the delinquency laws to certain minors accused of certain...
Sponsor: Senator Donley
Requester: Senate Finance

Dept. Affected: Corrections
BRU: Administration and Operations
Component: Institutional Director's Office
Component Number: 1381

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***
CAPITAL EXPENDITURES						
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	***	***	***	***	***	***

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)*

This legislation would automatically waive minors aged 16 and older into the adult system for commission of a felony crime against a person or a class A misdemeanor crime against a person, in which the minor is alleged to have directed the conduct constituting the crime at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin.

At this time we have no way of knowing how many offenders might be included in this group. We are therefore submitting an indeterminate fiscal note.

Prepared by: Candace Brower
Phone 465-4652
Division Commissioner's Office
Date/Time 5/2/01 3:40 PM
Approved by: Margaret Pugh
Date 5/2/01
Agency Department of Corrections

For distribution information, call the Governor's Legislative Office

(Rev 2/7/2001 OMB)

AMENDED + Adopted

22-LS0778\F
Luckhaupt
5/3/01

CS FOR SENATE BILL NO. 169(FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Taylor, Pearce, Cowdery, Phillips

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing that the delinquency laws are inapplicable to minors who are at least**
2 **16 years of age and are accused of felony or class A misdemeanor crimes against persons**
3 **directed at victims because of the victims' race, sex, color, creed, physical or mental**
4 **disability, ancestry, or national origin."**

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

6 * Section 1. AS 47.12.030(a) is amended to read:
7 (a) When a minor who was at least 16 years of age at the time of the offense is
8 charged by complaint, information, or indictment with an offense specified in this
9 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense
10 for which the minor is charged or to any additional offenses joinable to it under the
11 applicable rules of court governing criminal procedure. The minor shall be charged,
12 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as
13 an adult. If the minor is convicted of an offense other than an offense specified in this
14 subsection, the minor may attempt to prove, by a preponderance of the evidence, that

the minor is amenable to treatment under this chapter. If the court finds that the minor is amenable to treatment under this chapter, the minor shall be treated as though the charges had been heard under this chapter, and the court shall order disposition of the charges of which the minor is convicted under AS 47.12.120(b). The provisions of this subsection apply when the minor is charged by complaint, information, or indictment with an offense

(1) that is an unclassified felony or a class A felony and the felony is a crime against a person;

(2) of arson in the first degree; [OR]

(3) that is a class B felony and the felony is a crime against a person in which the minor is alleged to have used a deadly weapon in the commission of the offense and the minor was previously adjudicated as a delinquent or convicted as an adult, in this or another jurisdiction, as a result of an offense that involved use of a deadly weapon in the commission of a crime against a person or an offense in another jurisdiction having elements substantially identical to those of a crime against a person, and the previous offense was punishable as a felony; in this paragraph, "deadly weapon" has the meaning given in AS 11.81.900(b)**: or**

(4) that is a felony crime against a person ~~or a class A misdemeanor crime against a person,~~ in which the minor is alleged to have directed the conduct constituting the crime at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin. delete

CS FOR SENATE BILL NO. 169(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Taylor, Pearce, Cowdery, Phillips

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing that the delinquency laws are inapplicable to minors who are at least**
2 **16 years of age and are accused of felony crimes against persons directed at victims**
3 **because of the victims' race, sex, color, creed, physical or mental disability, ancestry, or**
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6 *** Section 1.** AS 47.12.030(a) is amended to read:
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(1) that is an unclassified felony or a class A felony and the felony is a crime against a person;

(2) of arson in the first degree; [OR]

(3) that is a class B felony and the felony is a crime against a person in which the minor is alleged to have used a deadly weapon in the commission of the offense and the minor was previously adjudicated as a delinquent or convicted as an adult, in this or another jurisdiction, as a result of an offense that involved use of a deadly weapon in the commission of a crime against a person or an offense in another jurisdiction having elements substantially identical to those of a crime against a person, and the previous offense was punishable as a felony; in this paragraph, "deadly weapon" has the meaning given in AS 11.81.900(b)**; or**

(4) that is a felony crime against a person, in which the minor is alleged to have directed the conduct constituting the crime at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin.

#1 deleted language

Alaska State Senate

Senate Finance Committee

Official Business

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 5/3/01 TIME: 8:00pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please
CS SB 169 (FIN) 22-LS0778\F
+ amendment: 5/3/01
pg 2, lines 18 & 19
delete: ~~[illegible]~~ "or a class A
misdemeanor crime against a person,"

Thx
Mindy

SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

OPPOSITION TO DEPARTMENT RECOMMENDATION
NO "DUAL SENTENCING"

* DHSS has been extremely reluctant to call upon AS 47.12.065, the existing optional Dual Sentencing Law, even though the provision was enacted specifically as a compromise between those who demanded greater accountability on the part of young lawbreakers (victims of crime & the legislature), and those who promised the utilization of the provision in exchange for continued inclusion in the process (DHSS)

* Since becoming "effective" on July 1, 1998, the optional Dual Sentencing Provision (AS 47.12.065) has **never** actually been utilized.

* Representatives of the Department of Law have stated that AS 47.12.065 has little or no value in its current form.

* It has been stated to my staff that the Department has only **once** attempted to utilize the provision in over two years, but it failed because the D.A. chose not to proceed.

* With neither the DA nor DHSS have utilized the "Dual Sentencing Provision" in its current form, it seems highly unlikely that they would be any less reluctant to use it in the future.

* The sponsor seeks to hold young adults who commit heinous crimes more accountable to deter future crime, while the DHSS seems determined to continue the old, failed juvenile delinquency system

Co-Chair: Senate Finance Committee
Vice-Chair: Senate Judiciary Committee
Member: Legislative Budget and Audit Committee • Legislative Council

January-May: STATE CAPITOL • JUNEAU, AK • 99801 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 West Fourth Avenue • Suite 400 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238
www.akrepublicans.org/Donley.htm • www.legis.state.ak.us/senate/donley/htm

SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT
SENATE BILL 169
(5/2/01)

"An Act relating to nonapplicability of the delinquency laws to certain minors accused of certain crimes directed at certain victims."

SB 169 amends AS 47.12.030 which is the statute relating to the waiver of juveniles to adult court when they are charged with committing certain crimes. SB 169 adds a subsection (a)(4) to include a crime that is a felony or class A misdemeanor crime against a person directed at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin. This addition would require a minor accused of a serious, violent "hate crime" to be tried as an adult.

Violent hate crimes are particularly dangerous and destructive to our communities. This legislation ensures public accountability of those persons accused and increases deterrence of such future crimes. The juvenile justice system has no public accountability. We need public accountability for such crimes so Alaskans can be sure that justice is accomplished.

SB 169 will send a message to juveniles that Alaskans and Alaska's justice system take these types of hate crimes very seriously. Moving these crimes of particular concern against society and our communities to adult court will ensure public accountability that justice is done.

DD/kk

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT
SENATE BILL 169
(4/6/01)

"An Act relating to nonapplicability of the delinquency laws to certain minors accused of certain crimes directed at certain victims."

SB 169 amends AS 47.12.030(a) to include a crime that is a felony or class A misdemeanor crime against a person directed at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin. This addition would require a minor accused of a serious, violent "hate crime" to be tried as an adult.

Violent hate crimes are particularly dangerous and destructive to our communities. This legislation ensures public accountability of those persons accused and increases deterrence of such future crimes. The juvenile justice system has no public accountability. We need public accountability for such crimes so Alaskans can be sure that justice is accomplished.

DD/kk

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Title 47. WELFARE, SOCIAL SERVICES AND INSTITUTIONS
Chapter 47.12. DELINQUENT MINORS

Sec. 47.12.030. Provisions inapplicable.

(a) When a minor who was at least 16 years of age at the time of the offense is charged by complaint, information, or indictment with an offense specified in this subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense for which the minor is charged or to any additional offenses joinable to it under the applicable rules of court governing criminal procedure. The minor shall be charged, held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as an adult. If the minor is convicted of an offense other than an offense specified in this subsection, the minor may attempt to prove, by a preponderance of the evidence, that the minor is amenable to treatment under this chapter. If the court finds that the minor is amenable to treatment under this chapter. the minor shall be treated as though the charges had been heard under this chapter, and the court shall order disposition of the charges of which the minor is convicted under AS 47.12.120. The provisions of this subsection apply when the minor is charged by complaint, information, or indictment with an offense

(1) that is an unclassified felony or a class A felony and the felony is a crime against a person;

(2) of arson in the first degree; or

(3) that is a class B felony and the felony is a crime against a person in which the minor is alleged to have used a deadly weapon in the commission of the offense and the minor was previously adjudicated as a delinquent or convicted as an adult, in this or another jurisdiction, as a result of an offense that involved use of a deadly weapon in the commission of a crime against a person or an offense in another jurisdiction having elements substantially identical to those of a crime against a person, and the previous offense was punishable as a felony; in this paragraph, "deadly weapon" has the meaning given in AS 11.81.900 (b).

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/29/01 FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4-30-01

Judiciary Committee considered SENATE BILL NO. 169

HATE CRIMES: AUTOMATIC WAIVER OF MINORS

"An Act relating to the nonapplicability of the delinquency laws to certain minors accused of certain crimes against persons directed at certain victims."

and recommends:

[ ] be **replaced** with_____ **CS** _____ (_____)

[ ] adopt **previous** _____ **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to _____ Committee

Senate Bill:
[ ] same title
[ ] new title
House Bill:
[ ] same title
[ ] technical title
[ ] new: SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
POC	4/30/01	***	-	1

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			X	
	✓			
	✓			
	✓			
CHAIR:	✓			

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 169
(S) Publish Date: 5/30/01

Revised Date/Time(if Corrected)
Title: "An Act relating to the nonapplicability of the delinquency laws to certain minors accused of certain.....
Sponsor: Senator Ward
Requester: Senate Judiciary

Dept. Affected: Corrections
BRU: Administration & Operations
Component: Institutional Director
Component Number: 1381

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***
CAPITAL EXPENDITURES						
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	***	***	***	***	***	***

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)*

This legislation would automatically waive minors aged 16 and older into the adult system for commission of a felony crime against a person or a class A misdemeanor crime against a person, in which the minor is alleged to have directed the conduct constituting the crime at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin.

At this time we have no way of knowing how many offenders might be included in this group. We are therefore submitting an indeterminate fiscal note

Prepared by: Candace Brower
Division: Commissioner's Office
Phone: 465-4652
Date/Time: 4/30/01/9:30 am

Approved by: Margaret Pugh
Agency: Department of Corrections
Date: 4/30/01

For distribution information, call the Governor's Legislative Office

(Rev 2/7/2001 OMB)

COMMITTEE CO

SENATE FINANCE COMMITTEE

SIGN-IN

SB 169-HATE CRIMES: AUTOMATIC WAIVER OF MINORS

NAME: Robert Buttcane Subject/Bill No: SB 169

Co./Dept./Title: DHSS. Div. Juvenile Justice Phone: 465-3228

Address: PO Box 110635 Juneau Zip: 99811

Do you wish to testify? X Yes ___No ___Respond To Questions

NAME: Candace Brown Subject/Bill No: SB169

Co./Dept./Title: Dept. of Corrections Phone: 465-4652

Address: P.O. Box 112000 Zip: 99811

Do you wish to testify? X Yes ___No ___Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? ___Yes ___No ___Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? ___Yes ___No ___Respond To Questions