

HB

210

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 210(JUD)
(H) Publish Date: 4/11/01

Revision Date/Time (Note if correctio
Title "An Act relating to sexual assault and sexual abuse of a minor." Dept. Affected: Law
Sponsor Representative Meyer BRU Criminal Division
Requester House Judiciary Committee Component: 1st-4th Judicial Districts
Component No. 2198-99;2201;61;79

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
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 pro

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 210 removes the statute of limitations on when the crime of sexual assault against an adult may be prosecuted. Under current law, the crime may not be brought for prosecution after ten years have passed. (There is no statute of limitations on sexual assault or sexual abuse of a minor.)

The Department of Law expects only a handful of cases to result from passage of this legislation. As a practical matter, it is much more difficult to prosecute a case the older it gets. The department anticipates it can handle any increase in caseload with existing resources.

Prepared by: Joan M. Kasson Phone 465-5370
Division Attorney General's Office Date/Time 4/6/01 4:36 PM
Approved by: Bob Meiners for Bruce M. Botelho, Attorney General Date 4/6/01
Agency Department of Law

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 210(JUD)
 (H) Publish Date: 4/11/01

Revision Date/Time (Note if correction) _____ Dept. Affected _____
 Title Statute of Limitation for Sex Crimes BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Meyer
 Requester House Judiciary Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 210.

Prepared by: Douglas Wooliver Phone 463-4750
 Division Alaska Court System Date/Time 4/06/01 2:30 p.m.
 Approved by: Stephanie Cole Date _____
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1
 Bill Version: CSHB 210(JUD)
 (H) Publish Date: 4/11/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to sexual assault
and sexual abuse of a minor." BRU: Legal & Advocacy Svc.
 Component: Public Defender Agency
 Sponsor: Representative Meyer
 Requester: (H) Judiciary Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would eliminate the statute of limitations on prosecutions for any degree of sexual assault.

There would be some fiscal impact on the Public Defender Agency if this bill becomes law. Generally speaking, older cases present unique difficulties. They can be much harder to investigate. And often there are issues (such as "recovered memory") in which psychological testimony is required.

Therefore, even if there were relatively few cases, the cases that are prosecuted will most likely be expensive to defend. But, it is not possible to predict the number of cases that would be brought. Therefore, we are submitting an indeterminate fiscal note.

Prepared by: Barbara Brink, Director Phone (907) 334-4414
 Division: Public Defender Agency Date/Time April 9, 2001
 Approved by: Jim Duncan, Commissioner Date 4/9/01
 Agency: Department of Administration

For distribution information, call the Governor's Legislative Office



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 19

SPONSOR STATEMENT

CSHB 210(JUD)am

“An Act relating to sexual assault and sexual abuse of a minor.”

CS HB 210(JUD)am amends existing law by removing the statute of limitations on felony sexual assault involving penetration.

Currently, there are two crimes that do not have a statute of limitations, murder and sexual abuse of a minor. CS HB 210(JUD)am adds felony sexual assault to this list of extreme crimes against a person. The prosecution of sexual assault should not be limited by time. Sexual assault has life long impacts on victims, their families and friends, and our society.

New technology in DNA testing and evidence collection is allowing greater efficiency and certainty in proving crimes. New scientific procedures used in evidence collection and testing better preserve the purity of evidence. If sexual assault can be proven even 20 years from the time it occurs, our state laws should protect a victim's right to justice.

CS HB 210(JUD)am makes clear that the removal of the statute of limitations would allow civil, as well as criminal cases, to be filed at any time after a felony sexual assault involving penetration.

Subject: [Fwd: DNA Database Links Salinas Man to 1981 Murder]
Date: Fri, 26 Jan 2001 06:56:00 -0900
From: Delbert Smith <delbert_smith@dps.state.ak.us>
Organization: Department of Public Safety
To: Royce Weller <royce_weller@dps.state.ak.us>

Royce,
For DNA file and use during session.

--
Del Smith
Deputy Commissioner
Department of Public Safety
907-465-4322
907-465-4362 (fax)
delbert_smith@dps.state.ak.us
E-page 1611@pager.state.ak.us

Subject: DNA Database Links Salinas Man to 1981 Murder
Date: Thu, 25 Jan 2001 11:12:06 -0900
From: Chris Stockard <christopher_stockard@dps.state.ak.us>
Reply-To: christopher_stockard@pssun02x.dps.state.ak.us
Organization: Department of Public Safety
To: George M Taft JR <george_taft@dps.state.ak.us>,
Delbert W Smith <delbert_smith@dps.state.ak.us>,
Kenneth E Bischoff <kenneth_bischoff@dps.state.ak.us>

"DNA Database Links Salinas Man to 1981 Murder"
KPIX Online (01/23/01)

The 20-year-old kidnapping/rape/murder case of Sylvia Edgren in Monterey, Calif., has been solved thanks to a state DNA database. The state Department of Justice made a direct match of DNA at the scene with DNA of Salinas resident Michael Adams, which is stored in the California Convicted Felon Database. His DNA was included in records because of an assault crime he committed 14 years ago. In California, authorities have taken DNA samples from all convicted violent offenders for years, though the database has only been up and running since 1994. Funding for the project took time, and currently only a portion of the samples are entered into the database. A direct match or "cold hit" can significantly help authorities build a case against an offender.

Del Smith <delbert_smith@dps.state.ak.us>

Dogged detective work, DNA crack 5-year-old killing

By Sheila Toomey
Daily News Reporter

(Published October 31, 2000)

They found her body on a Sunday morning five years ago, wearing a purple tank top and silver necklace, dumped at the edge of Ship Creek where it runs through the warehouse district near Yakutat Street.

They identified her from her tattoos and her jail record: Doris Ann Hainta, 34, a longtime street hooker carrying a double load of drug and alcohol addiction. Everybody called her Sunny, but someone strangled her.

Homicide investigators worked the slim leads they had as hard as they could. A witness saw a blue van backing to the edge of the creek and a man dumping something there. Police took plaster casts of tire tracks and crawled around on their hands and knees taking paint scrapings from a post and hoping to pick a bit of evidence from the muddy ground.

They spent weeks talking to prostitutes and their customers, checking alibis and stopping blue vans. After a while, the investigation lagged. She was probably killed by someone who bought her services, police figured, someone with no other connection to her, the toughest kind of homicide to solve.

But Anchorage police had an ace up their sleeve. Hainta had been raped or had consensual sex shortly before she died, so if the police ever identified a suspect, they had a DNA sample.

Last month, technicians at the state crime lab matched the DNA to a man in North Carolina. And on Monday the Anchorage district attorney charged Eugene Poirier, 33, with first-degree murder. An arrest warrant with bail set at \$1 million will be faxed south and served on Poirier at the Nash Correctional Facility, where he is doing 22 years for a murder he committed after leaving Alaska.

Assistant District Attorney Adrienne Bachman said Alaska will seek to extradite Poirier and will try him for Hainta's death. Charging documents filed Monday say he has confessed to strangling her in the back of a blue van he used in his carpet business.

If Poirier is convicted here, he will be returned to North Carolina to serve out his sentence there then returned to do his Alaska time, Bachman said.

In Oklahoma, where Hainta was born, her sister Emma Hainta was surprised to hear that anyone in



Anchorage police detective Scott Jessen traveled to North Carolina to confront Eugene Poirier with evidence against him in the killing of Doris Ann Hainta. Poirier eventually admitted strangling Hainta. (Jim Lavrakas / Anchorage Daily News)

Anchorage still cared about solving her sister's slaying and was pleased someone's been charged in Sunny's death.

The family often tried to talk Sunny into coming home. She became a prostitute in her teens and seemed unable to get out of the life, Emma Hainta said. She came to Alaska in the mid-1980s to start a new life. But it didn't work.

"She had no confidence," Hainta said. "She didn't have the drive to do anything different."

The family, which includes an ex-police chief, didn't approve of her life but they loved and accepted her, Hainta said.

"I always thought it would be AIDS that would get her. I was prepared for that. I knew one day she would be knocking at my door."

The Hainta case, old and cold, was solved because police officers stationed at opposite sides of the continent made an extra effort and because in March the Alaska State Scientific Crime Detection Laboratory began using DNA technology capable of making positive identifications.

The first break was a 1998 computer message from Det. Sgt. Julie Gibson of the Iredell County sheriff's office, a blind query to police departments in cities where Poirier had lived before he showed up in North Carolina in 1997. A 16-year-old girl, Christy Rambo, a neighbor of Poirier and his wife, had been strangled in August of that year, her body dumped by the side of a country road about five miles from the trailer park where she and Poirier both lived. She'd been doused with gasoline and set on fire.

Poirier was one of several suspects. Could Anchorage police check him out? Gibson asked.

Poirier's name had not surfaced in the Hainta investigation, but when Sgt. Mike Grimes, then head of homicide, looked at him, bells rang. He owned a blue van. His uncle had a business close to where Hainta's body was found.

If Anchorage had no suspects in Hainta's death, Iredell County had too many in the Rambo case: her boyfriend, another man she told friend had made threats, and a man she said had raped her and was set to testify against the following week. Poirier and his wife were casual friends with Rambo, and he had been seen talking to her in his driveway before she disappeared. But he wasn't at the top of the list until he started acting "pretty odd," Gibson said. "He pushed himself into the investigation. We had to almost push him away from us. He just stayed in our face ... so we paid him a little more attention."

Then Poirier turned up on a convenience store security video buying gasoline about an hour after Rambo disappeared, less than an hour before someone spotted her still-burning body.

He eventually admitted the killing but refused to give any details, Gibson said. He was charged with first-degree murder, a death penalty case. But questions were raised about the admissibility of the confession, and last October the district attorney accepted a plea to second-degree murder. Because he had no prior record, Poirier got the minimum mandatory sentence, 22 years without parole.

While Poirier was still awaiting trial, Anchorage police detective Larry Arend, who was originally in charge of the Hainta case, asked Iredell sheriffs if they could send a sample of Poirier's blood north. They could.

At the time, Alaska's crime lab was certified only for six-point DNA matches. They got a six-point match on Poirier, Bachman said. But legal identification in criminal cases requires 13 points of match. It cost from \$1,000 to \$2,000 to have the test done in a private lab. Anchorage police don't have the money to do them all, said Anchorage detective Scott Jessen, who took over the case when Arend retired.

Poirier was in prison, not a danger to other women and the test could wait, police reasoned.

By March, the crime lab staff was trained and the DNA operation accredited. And it had a one-year backlog of cases involving violent crimes. Each test takes six weeks, said lab director George Taft. Jessen pushed. In September, the Hainta results were certified: Poirier was a match.

With what looked like a solid case, Chief Duane Udland sent Jessen to North Carolina.

"Gene, howya doing?" Jessen said to Poirier. "I'm from Anchorage."

In an office at the prison, Poirier denied knowing Hainta or even where Yakutat Street was. Jessen laid the DNA report on a table in front of him. "This line is semen from Doris," he said. "This is your blood. They match."

It took awhile, but eventually Poirier said he killed Hainta. He picked her up on Fourth Avenue, near the old Hub Bar, according to the account of his confession in the charging document. After having sex, Hainta "spazzed out" on him, he told Jessen. She wanted more money and tried to hit him with a tack hammer. He took the hammer away from her, wrapped an electric cord around her neck and strangled her.

Jessen isn't finished. Poirier spent a lot of time driving around the country. With two murders known, he wonders, what are the chances of more unsolved cases out there? Both victims were strangled, both were Native American -- Hainta was Kiowa. That's the kind of detail the FBI puts in a computer. Jessen has asked them to check their files.

Reporter Sheila Toomey can be reached at stoomev@adn.com or 257-4341.

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