

HB

348

# ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair  
Rep. Tom Anderson, Vice-Chair  
Rep. Jim Holm  
Rep. Dan Ogg  
Rep. Ralph Samuels  
Rep. Les Gara  
Rep. Max Gruenberg



State Capitol, Room 120  
Juneau, AK 99801-1182  
(907) 465-4990  
Fax (907) 465-6592

## House Judiciary Committee Letter of Intent CSHB 348 (JUD)

Section 2 of this Act requires the victims' advocate to include within brochures or other written material to be given to certain crime victims information about the Violent Crimes Compensation Board. It is the intent of the House Judiciary Committee that this requirement applies only to brochures or other written material printed after the effective date of this Act. The victims' advocate may continue to supply brochures or other written material printed before the effective date of this Act until those brochures or materials are exhausted.

A handwritten signature in cursive script, reading "Lesil McGuire".

Representative Lesil McGuire  
Chair



# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: HB348-LAW-CDCO-1-23  
 Bill Version: HB 348  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to the rights of certain victims RDU Criminal  
of crime...." Component CDCO  
 Sponsor Representatives Stoltze, Dahlstrom, Samuels, McGuire, Gruenberg  
 Requester House Judiciary Component No. \_\_\_\_\_

**Expenditures/Revenues (Thousands of Dollars)**

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE (Thousands of Dollars)**

|  |            |            |            |            |            |            |
|--|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts                  |            |            |            |            |            |            |
| 1003 GF Match                          |            |            |            |            |            |            |
| 1004 GF                                |            |            |            |            |            |            |
| 1005 GF/Program Receipts               |            |            |            |            |            |            |
| 1037 GF/Mental Health                  |            |            |            |            |            |            |
| Other (Specify Type-Do not abbreviate) |            |            |            |            |            |            |
| <b>TOTAL</b>                           | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** *(Attach a separate page if necessary)*

This bill amends AS 12.61 by adding to the victims' rights statute the right to be notified and receive information about the office of victims' rights from the law enforcement officer initially investigating the crime and from the prosecuting attorney assigned to the offense - such information to minimally include the address, telephone number, and Internet address of the office of victims' rights. The right to be notified applies only to victims of felonies and to victims of class A misdemeanors if the class A misdemeanor is a crime involving domestic violence or a crime against a person under AS 11.41.

If the Office of Victims' Rights furnish a brochure or other written material to be disbursed to victims that would fulfill the minimal informational requirements, at no cost to the Department of Law, passage of this bill will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673  
 Division Administrative Services Date/Time 1/23/04 4:24 PM  
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 1/23/2004  
 Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB348  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title An Act relating to the rights of victims BRU Legal and Advocacy Services  
Component Public Defender Agency  
Sponsor Representatives Stoltze, Dahlstrom, Samuels & McGuire  
Requester (H) Judiciary Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|   |            |            |            |            |            |            |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts                   |            |            |            |            |            |            |
| 1003 GF Match                           |            |            |            |            |            |            |
| 1004 GF                                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1005 GF/Program Receipts                |            |            |            |            |            |            |
| 1037 GF/Mental Health                   |            |            |            |            |            |            |
| Other (Specify Type--Do not abbreviate) |            |            |            |            |            |            |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)  
This bill should have no fiscal impact on the operations of the Public Defender Agency.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416  
Division Public Defender Agency Date/Time 1/24/04 10:42 a.m.  
Approved by: Mike Miller, Commissioner Date \_\_\_\_\_  
Agency Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB348  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating to the rights of victims BRU Legal and Advocacy Services  
 Component Office of Public Advccacy  
 Sponsor Representatives Stoltze, Dahlstrom, Samuels & McGuire  
 Requester (H) Judiciary Component No. 43

**Expenditures/Revenues (Thousands of Dollars)**

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE (Thousands of Dollars)**

|   |            |            |            |            |            |            |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts                   |            |            |            |            |            |            |
| 1003 GF Match                           |            |            |            |            |            |            |
| 1004 GF                                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1005 GF/Program Receipts                |            |            |            |            |            |            |
| 1037 GF/Mental Health                   |            |            |            |            |            |            |
| Other (Specify Type--Do not abbreviate) |            |            |            |            |            |            |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

This bill should have no fiscal impact on the operations of the Office of Public Advocacy.

Prepared by: Josh Fink, Director  
 Division: Office of Public Advocacy  
 Approved by: Mike Miller, Commissionner  
 Agency: Administration

Phone 907-269-3501  
 Date/Time 1/26/04 1:14 p.m.  
 Date \_\_\_\_\_

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 348 (JUD)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title "An Act relating to the rights of BRU \_\_\_\_\_  
certain victims of crime..." Component \_\_\_\_\_  
 Sponsor Representatives Stoltze, Dahlstrom, Samuels, McGuire, Wilson \_\_\_\_\_  
 Requester House Judiciary Committee Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|   |            |            |            |            |            |            |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts                   |            |            |            |            |            |            |
| 1003 GF Match                           |            |            |            |            |            |            |
| 1004 GF                                 |            |            |            |            |            |            |
| 1005 GF/Program Receipts                |            |            |            |            |            |            |
| 1037 GF/Mental Health                   |            |            |            |            |            |            |
| Other (Specify Type--Do not abbreviate) |            |            |            |            |            |            |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

The amendments and letter of intent adopted by the House Judiciary Committee will have no fiscal impact on state spending.

Prepared by: House Judiciary Committee Phone 465-4990  
 Division: \_\_\_\_\_ Date/Time 2/2/04 9:59 AM  
 Approved by: Representative Lesil McGuire Date 2/2/2004  
 Agency: Chair, House Judiciary Committee

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB348CS-DPS-ASTD-2-10-04  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
Title Act Relating to certain Victim's Rights RDU Alaska State Troopers  
Component Alaska State Trooper Detachments  
Sponsor Rep. Stoltze  
Requester (H) Judiciary Component No. 799

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|   |            |            |            |            |            |            |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts                   |            |            |            |            |            |            |
| 1003 GF Match                           |            |            |            |            |            |            |
| 1004 GF                                 |            |            |            |            |            |            |
| 1005 GF/Program Receipts                |            |            |            |            |            |            |
| 1037 GF/Mental Health                   |            |            |            |            |            |            |
| Other (Specify Type--Do not abbreviate) |            |            |            |            |            |            |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends AS 12.61 and will require that Law Enforcement Officers and District Attorney's offices notify victim's of the Office of Victim's Rights. The information will minimally include the address, telephone number, and internet address of the Office of Victim's Rights. The right applies only to victims of felonies and to victims of class A misdemeanors if the class A misdemeanor is a crime involving domestic violence or crimes against a person under AS 11.41.

It is the intent that the Office of Victim's Rights will produce the materials that would be distributed by law enforcement officers. Passage of this bill will have no foreseeable fiscal impact on the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 269-4532  
Division Alaska State Troopers Date/Time 2/11/04 8:40 AM  
Approved by: Commissioner William Tandeske Date 2/11/2004  
Agency Department of Public Safety

# ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair  
Rep. Tom Anderson, Vice-Chair  
Rep. Jim Holm  
Rep. Dan Ogg  
Rep. Ralph Samuels  
Rep. Les Gara  
Rep. Max Gruenberg



State Capitol, Room 120  
Juneau, AK 99801-1182  
(907) 465-4990  
Fax (907) 465-6592

## House Judiciary Committee

### Memorandum

**To:** Gerry Luckhaupt, Leg. Legal  
**From:** Vanessa Tondini, Committee Aide  
House Judiciary Committee  
**Date:** January 30, 2004  
**Re:** CS Request – Amended!!!

*- Please disregard previous  
CS requests for this bill. This one is  
complete.  
Sorry!*

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1320\Q, CSHB 348 (JUD), incorporating the attached amendments, A #1 and A # 2: 23-LS1320\H.2, as amended. The second sentence of Sec. 2 should read, "The written material must contain a brief statement about the Violent Crimes..." Sec. 3 of the amendment was removed and will instead accompany the bill as a House Judiciary Committee letter of intent. I have written the changes to the amendment in the text of the amendment itself as well. The bill was passed out of committee today.

If you have any questions, please call me at 4990. Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is

CSHB 348

A#1 by Rep. Gruenberg - PASSED

P. 3, L. 14

After "shall"  
Insert "also"

AMENDMENT #2 - PASSED

OFFERED IN THE HOUSE  
TO: HB 348

BY REPRESENTATIVE GARA

1 Page 1, line 2, following "rights":

2 Insert "and the Violent Crimes Compensation Board"

3

4 Page 3, following line 17:

5 Insert new bill sections to read:

6 \*\* Sec. 2. AS 24.65.100 is amended by adding a new subsection to read:

7 (d) The victims' advocate shall provide written material to be given out to  
8 victims of crime as required by AS 12.61.010. The written material must contain a  
9 brief statement <sup>about</sup> ~~about compensation available from~~ the Violent Crimes Compensation  
10 Board and contact information for that board.

11 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 APPLICABILITY OF SECTION 2 OF THIS ACT. Section 2 of this Act requires the  
14 victims' advocate to include within brochures or other written material to be given to certain  
15 crime victims information about compensation available from the Violent Crimes  
16 Compensation Board. This requirement applies only to brochures or other written material  
17 printed after the effective date of this Act. The victims' advocate may continue to supply  
18 brochures or other written material printed before the effective date of this Act until those  
19 brochures or materials are exhausted."

delete  
Sec. 3  
(instead  
include  
as letter  
of intent)

**House Bill 348**  
**Letter of Intent**

~~It is the intent of the Alaska House of Representatives that the Office of  
Victim's Rights provide contact information for the Violent Crimes  
Compensation Board on their informational brochure offered to the public.~~

A#2 L.13-19

23-LS1320\Q  
Luckhaupt  
1/28/04

**CS FOR HOUSE BILL NO. 348( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES STOLTZE, DAHLSTROM, SAMUELS AND MCGUIRE, Gruenberg**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to the rights of certain victims of crime to receive information about**  
2 **the office of victims' rights."**

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

4 **\* Section 1.** AS 12.61.010(a) is amended to read:

5 (a) Victims of crimes have the following rights:

6 (1) the right to be present during any proceeding in

7 (A) the prosecution and sentencing of a defendant if the  
8 defendant has the right to be present, including being present during testimony  
9 even if the victim is likely to be called as a witness;

10 (B) the adjudication of a minor as provided under  
11 AS 47.12.110;

12 (2) the right to be notified by the appropriate law enforcement agency  
13 or the prosecuting attorney of the date of trial, sentencing, including a proceeding  
14 before a three-judge panel under AS 12.55.175, an appeal, and any hearing in which

1 the defendant's release from custody is considered;

2 (3) the right to be notified that a sentencing hearing or a court  
3 proceeding to which the victim has been subpoenaed will not occur as scheduled;

4 (4) the right to receive protection from harm and threats of harm  
5 arising out of cooperation with law enforcement and prosecution efforts and to be  
6 provided with information as to the protection available;

7 (5) the right to be notified of the procedure to be followed to apply for  
8 and receive any compensation under AS 18.67;

9 (6) at the request of the prosecution or a law enforcement agency, the  
10 right to cooperate with the criminal justice process without loss of pay and other  
11 employee benefits except as authorized by AS 12.61.017 and without interference in  
12 any form by the employer of the victim of crime;

13 (7) the right to obtain access to immediate medical assistance and not  
14 to be detained for an unreasonable length of time by a law enforcement agency before  
15 having medical assistance administered; however, an employee of the law  
16 enforcement agency may, if necessary, accompany the person to a medical facility to  
17 question the person about the criminal incident if the questioning does not hinder the  
18 administration of medical assistance;

19 (8) the right to make a written or oral statement for use in preparation  
20 of the presentence report of a felony defendant;

21 (9) the right to appear personally at the defendant's sentencing hearing  
22 to present a written statement and to give sworn testimony or an unsworn oral  
23 presentation;

24 (10) the right to be informed by the prosecuting attorney, at any time  
25 after the defendant's conviction, about the complete record of the defendant's  
26 convictions;

27 (11) the right to notice under AS 12.47.095 concerning the status of the  
28 defendant found not guilty by reason of insanity;

29 (12) the right to notice under AS 33.16.087 of a hearing concerning  
30 special medical parole of the defendant;

31 (13) the right to notice under AS 33.16.120 of a hearing to consider or

1 review discretionary parole of the defendant; [AND]

2 (14) the right to notice under AS 33.30.013 of the release or escape of  
3 the defendant; and

4 (15) the right to be notified orally and in writing of and receive  
5 information about the office of victims' rights from the law enforcement officer  
6 initially investigating the crime and from the prosecuting attorney assigned to the  
7 offense; at a minimum, the information provided must include the address,  
8 telephone number, and Internet address of the office of victims' rights; this  
9 paragraph

10 (A) applies only to victims of felonies and to victims of class  
11 A misdemeanors if the class A misdemeanor is a crime involving domestic  
12 violence or a crime against a person under AS 11.41; if the victim is an  
13 unemancipated minor, the law enforcement officer and the prosecuting  
14 attorney shall provide the notice required by this paragraph to the parent  
15 or guardian of the minor;

16 (B) is satisfied if, at the time of initial contact with the crime  
17 victim, the investigating officer and prosecuting attorney each gives each  
18 crime victim a brochure or other written material prepared by the office  
19 of victims' rights and provided to law enforcement agencies for that  
20 purpose.



**Representative Nancy Dahlstrom**  
**Representative Lesil McGuire**

**Representative Ralph Samuels**  
**Representative Bill Stoltze**

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## **HB 348**

### **Sponsor Statement**

**“An Act relating to the rights of certain victims of crime to receive information about the office of victims’ rights.”**

When a person is the victim of a crime, it is often difficult to know who to talk to for help. It is instances where the victim didn't know there were advocates to assist them through the process that prompted the drafting of House Bill 348. The legislation requires police and prosecutors to notify victims about the Alaska Office Of Victims' Rights.

The Alaska Office Of Victims' Rights (OVR) was created by the legislature in 2002 to protect and advance the rights of crime victims and to investigate complaints that their rights under the constitution and laws of the state have been denied to them in their dealings with criminal justice adult and juvenile agencies of the state.

Experience has taught us that too often victims learn about the OVR only after a case has worked its way through the system rather than at the beginning of that process when OVR lawyers and support staff can be more vigilant and effective advocates of victims' rights as a case unfolds. HB 348 requires police and prosecutors to provide a printed brochure about the OVR to victims of felony and other serious crimes up front -- upon first contact and without request by the victim. OVR will absorb the cost of the brochures.

January 22, 2004

**ATTENTION: VANESSA TONDINI**

Representative Lesil McGuire, Chairperson  
House Judiciary Committee  
Alaska Legislature

RE: HB 348

Dear Represent McGuire:

Please make every effort for HB 348 to pass. Alaska needs it. Our 17 year old daughter was hit by a drunk driver in March 2003. The drunk driver was on probation for her **SECOND CONVICTION** and she left the scene of the accident. Our daughter was injured in the accident. So what kind of jailtime did this repeat offender end up with? A total of eight months. She was also fined, got lifetime license revocation, and ordered to pay restitution. As far as I am concerned, these three details of her sentence deserve minimal time addressing. If a drunk driver wants to drive they will do whatever it takes to drive. Statistics speak for themselves in that regard. This letter is being sent to support HB 348 which requires notification to the victim of the Office of Victims Rights. We were unaware of their office. Alaska needs to have a law that requires victims are told this office exists.

Our daughter was driving home from a basketball game in broad daylight when a repeat offender drunk driver ran a stop sign and sideswiped the car. The drunk driver left the scene. Fortunately, our daughter's injuries were not serious however she is expected to have longterm neck/back trouble. We had no idea what emotional turmoil this crime was going to cause our family and would have been grateful to have the Office of Victims Rights assist us through this crisis and help us through the whole ugly process. This process included arguing with the Kenai District Attorney to push for more jailtime.

Incarceration is the only way to keep drunk drivers out of society. *Within the last year in Kenai there was another felony DWI case with no injuries and the man received TWO YEARS JAILTIME. How does that compare to three felony convictions getting EIGHT MONTHS?* Everyone we have talked to about this sentence is amazed about the low jailtime.

I want it to be perfectly clear that my husband and I were not standing by doing nothing. We had several conversations with District Attorney Dwayne McConnell's office about their plea bargaining. We were told this amount of jailtime would probably be what would be given if it went to trial anyway -- your daughter wasn't seriously injured. We asked if we could get a different judge and were told no, the time limit had passed for that request. So how were we supposed to know you have a time limit?

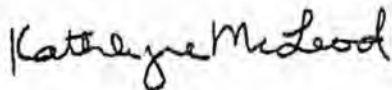
Page Two

The Office of Victims Rights would have known all of this info and helped us. I feel very strongly that with their involvement the sentence given to the repeat offender would have definitely included more jail time. This is the main objection I have: three felonies and you get a total of eight months incarceration? To elaborate on the "not seriously injured" statement, the State Trooper who responded to the scene stated that our daughter saved herself serious injury if not death by punching the gas pedal when she saw the truck heading for her. That split second probably saved our daughter's life because the pickup didn't hit the driver's door, it impacted the passenger area. Here's where I'll insert a few "what ifs": what if there were other people sitting in the back seat that were injured/killed OR what if there was a baby in a carseat in the backseat of the car? Comments similar to these were made to the DA's office when the "not seriously injured" line came up. How dare a District Attorney's Office treat a triple felony case in such a way?

We had never been through anything like this before and it was overwhelming to deal with the system and then end up with a triple felon walking out of jail in just eight months. The emotions we went through were extreme - when your loved one is in a near death experience it's an emotional rollercoaster. We were so glad our daughter wasn't killed and thought we were focusing on the right thing by pressuring the DA's office. I still think we did the right thing.

If the Office of Victims Rights was helping us I feel totally convinced this felon would still be in jail where she belongs. Why doesn't the general public know about the Office of Victims Rights? Now I would strongly urge the passage of HB 348 so that the people of Alaska know about the Office of Victims Rights. Other horrible situations like this don't have to happen for other Alaskans.. Thank you for your consideration.

Sincerely,



Kathlyne McLeod  
2625 VIP Drive  
Kenai AK 99611  
907.283.5775

Cc: Office of Victims Rights  
Representative Kelly Wolf

Fax Cover Sheet

To:

Representative Lesil McGuire  
Chair House Judicial Committee

Attn: Vanessa Tondini

Reference: HB348

Fax Number: (907) 465-6592

From: Tracy Harbin  
8920 B Honeysuckle St.  
Anchorage, AK 99502  
(907) 243-0529

1/23/04

To: Representative Lesil McGuire  
Chair House Judicial Committee

Attn: Vanessa Tondini

Reference: House Bill Number HB348

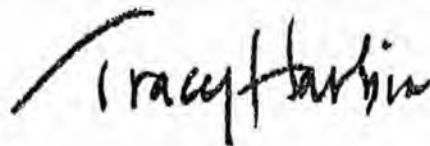
I am writing this to express how important it is that victims of crime are notified that the Office of Victim's Rights exists for them at the time of the crime occurs. As a victim myself, the total lack of knowledge of how the legal system works, what my rights were and that I had any rights at all added to the chaos caused by the original crime. The fact that a crime and the legal proceedings can go on for a year or more causes so much upheaval in the life of the victim and their families. Having someone to call (The Office of Victim's Rights) to vent or find out the next step in the legal process we find ourselves caught up in was and is a great relief. The people in the Office of Victim's Rights, especially Bill Gaither in my case, are wonderful advocates and always follow through with the calls that come in, also just call and check in to make sure you are doing alright and see what other services

they can provide, or questions they can clear up for you.

As a victim, the prosecutor represents the state or the municipality not you the victim. We need some one on our side and the Office of Victim's Rights is a necessary part of the legal system, and need to be part of the process from the beginning when the victim feels most vulnerable, at a loss and violated. Please continue to work in the direction of victim's rights starting with passing this bill as soon as possible. Help protect the people of Alaska and take a giant step forward in victim's rights, which seems to get lost within our legal system.

I know I have not gone in to the details of how I became a victim or the crime, but if you wish any further information please feel free to contact me. What I will tell you that it has been a just over a year since it occurred and still effects me everyday of life, I continue to get the medical help I need and hope that someday soon this will not be part of my daily life.

Thank you for you consideration,



Tracy Harbin  
8920 B Honeysuckle St.  
Anchorage, AK 99502  
(907)243-0529

Attention: Vanessa Tordini

From: Gerard Grodrey phone: 835-2329

Regarding: HB 348

3 pages total including cover sheet

Dear Representatives:

I am writing this letter of support for House Bill 348 as an Alaskan citizen whose family utilized the services of The Office of Victims' Rights' (OVR). My family suffered a horrendous crime which was compounded by emergency services failure to deliver aid as they were expected to. The OVR was there to aid my family in a manner that no other government or nonprofit organization could. Incidentally, I sit on the state's Violent Crime Compensation Board (VCCB) and I have observed numerous occasions where other crime victims in Alaska have had the need for the OVR when there is no other office that can serve their needs. Since sitting on the VCCB I have witnessed the aftermath of violent crimes and the toll it takes physically, emotionally, psychologically and financially on the victims of it. There are a certain percentage of crime victims in Alaska in which the OVR is uniquely structured to assist, provided that these victims are aware of the OVR's existence and function.

Typically, when people are victims of crime they are reluctantly introduced into the criminal justice system. The criminal justice system is an adversarial process that pits one side against another. The victim of a crime is automatically expected to operate as an aid to the state in this adversarial scenario. In the process of aiding the state the victim's rights are often forgotten and even sometimes disregarded by the zealous pursuit of justice. Conversely, a crime victim may find that there is a presence of apathy or indifference towards his or her plight by the justice professionals, which in turn leads to a mediocre pursuit of justice or a lackluster attempt at a conviction of the perpetrator(s). Although these are opposite outcomes within the criminal justice system by victims of crime, both of these instances are what The Office of Victims' Rights was created for.

The OVR clearly serves an essential function for victims of crime in this state. I know this personally as my mother (an attempted homicide victim) feels deeply indebted to the creators of the office as well as the office staff. She has stated on many occasions that, "they (the OVR) are a Godsend" and they have been "invaluable" to her in the endeavor thrust upon her in an attempt to right flaws in the emergency response system in Anchorage, which became apparent at her expense. Although my family would have likely learned of the OVR no matter how little publicity the office garnered, most other victims cannot say the same.

Because of the nature of what the OVR does there may be apprehension by some in the law enforcement community to inform victims of the OVR's existence or its function. This may be predictable when one considers that the OVR can and does at times serve as an oversight entity, regarding victims rights, of those very same law enforcement agencies expected to notify victims about the OVR. In essence, when law enforcement and judicial officials encounter victims and notify them about the OVR, they are empowering those victims with guidance towards a resource that can ensure that those same law enforcement and judicial officials, are honoring their rights.

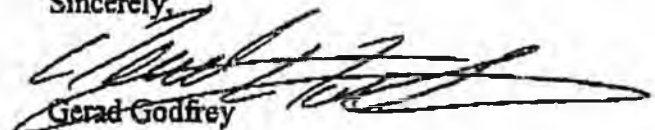
On multiple occasions since I have served on the VCCB we have inquired whether certain claimants were aware of the existence of the OVR. On those occasions it appeared to the board that the OVR may have been able to assist them with certain needs that were unable to. Crime victims are often informed about The Violent Crimes Compensation Board because we are a benign entity regarding a checks and balances function with law enforcement/judicial entities. Unfortunately, the OVR may be

publicized less because it serves a function that is not as innocuous toward the law enforcement/judicial entities. This, of course, is by design and was the OVR creators' intent. If publicizing the OVR came as easy for justice professionals as it does for publicizing the VCCB it would likely mean the OVR is not serving its function or that victims' rights are never being overlooked. I contend that neither statements are true and that, in fact, the OVR is serving its function so well that it is necessary to legislate the "informing of the OVR's existence" to victims. Simply stated, the function of the OVR requires that, occasionally, they will be forced to intercede with justice professionals on the behalf of crime victims and it will likely not sit well with those justice professionals at times. Thus, it can be anticipated that there is a lack of enthusiasm on the part of justice professionals to advise some victims about the OVR. This is why I believe HB 348 is necessary. The only way to consistently ensure that victims of crime are informed of the resources that the state has placed there for them is to statutorily compel the justice professionals to disclose this information.

Being an unintended participant in the justice system can be difficult enough when one is aware of his or her rights, please consider how much more difficult it can be without knowing your rights. The 22<sup>nd</sup> legislature created the Office of Victims Rights. Undoubtedly, they wanted victims of crime to know it existed, who better to tell them about it than their first contacts with the justice system, that being the law enforcement official followed by the prosecutor's office.

Please support HB 348 for the sake of crime victims in the state of Alaska.

Sincerely,



Gerard Godfrey

2/2/04

February 9, 2004

RE: House Bill 348 Notice Re Office of Victims Rights

In the above bill the additions that you are studying to add to the bill are long needed and have my support and I would urge you to back these additions.

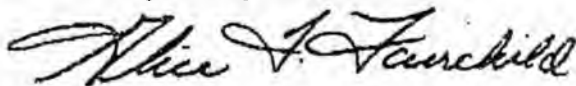
I was one of the original people who helped get this bill passed and went door to door for signatures and helped Jacice Leinhart and Sharon Nahorney get Victims for Justice started. I have worked here on the Kenai Peninsula as a Homicide Advocate for 18 years and always as a volunteer.

I would also like to see that more attention be paid by the Department of Law that the victims are notified promptly and at each time the defendant appears in court. I worked for the District Attorney's office in Kenai for 2 years when they were first told they had the job of letting victims know about upcoming hearings. After working with the DA I saw some things that I did not want to be part of an I told him about them and quit the job and the 50 mile round trip to volunteer.

At present due to the wonderful Cold Case Unit the murderer of my Mother in Law, Mrs. Opal Fairchild is behind bars awaiting a trial 19 years after the murder. However, I had to finally call the Attorney General's office as I was not being let know when the court dates were. As I had only worked in the DA office as a homicide advocate I know until I left that the job was being done. However, when our hearings began I was not given the same treatment I had given to my victims. I must add here that after the phone call I have been getting the dates and times from the DA office in Kenai but I should never have had to make that call.

So I do believe that a lot of work can and should be done with the Department of Law to see that victims are properly notified otherwise there would be no sense in having this bill.

Thank you for your attention,



Alice I. Fairchild  
P.O. Box 302  
Kasilof, Alaska 99610

262-3738