

HB

68

Amndt # 1 to HB 68 by Greenberg

p 1210 after "municipality" add "as defined in

AS 29.71.800"

CONCEPTUAL
TITLE

Amendment # 2 to HB 68 by Governor

p 1 line 1 ~~following~~ relating to ~~insert~~

~~delete~~ "relating to ~~the office of the victims' rights~~

and insert " adding municipalities to the definition

of justice agency with regard to the jurisdiction

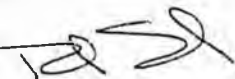
of "



REPRESENTATIVE RALPH SAMUELS

HOUSE DISTRICT 29

Memorandum

Date: February 3, 2003
To: Representative Lesil McGuire
Chair, House Judiciary Committee
From: Representative Ralph Samuels 
RE: Hearing for House Bill 68

Thank you for scheduling a hearing for HB 68 pertaining to the Office of Victims' Rights.

Attached you will find:

1. HB 68
2. Sponsor statement
3. Letters of support
 - a. Mayor George P. Wuerch, Anchorage Mayor
 - b. Assemblyman Dick Traini, Chair, Anchorage Assembly
 - c. Stephen Branchflower, Director, Office of Victims' Rights
 - d. Gerad Godfrey
4. Anchorage Daily News article
 - a. Bills Would Clarify Jurisdiction

Email: Representative_Ralph_Samuels@legis.state.ak.us

Session: Alaska State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-2095 Fax: (907) 465-3810
Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • Phone: (907) 269-0240 Fax: (907) 269-0242



REPRESENTATIVE RALPH SAMUELS

HOUSE DISTRICT 29

HB 68 Sponsor Statement

“An Act relating to the Office of Victims’ Rights”

This legislation was sponsored to clarify that municipalities be specifically included in the definition of a justice agency. It was the intent of the original bill for the Office of Victims’ Rights to be able to communicate directly with the municipality, the police department and the department of law, and a minor technical change is needed to make this happen. As a result of the minor language change, the Office of Victims’ Rights will have jurisdiction to act on behalf of the victims it represents with all critical agencies.

Email: Representative_Ralph_Samuels@legis.state.ak.us

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Municipality of Anchorage

Office of the Mayor

George P. Wuerch, Mayor



January 29, 2003

Senator Lyda Green
State of Alaska
State Capitol, Room 516
Juneau, AK 99801-1182

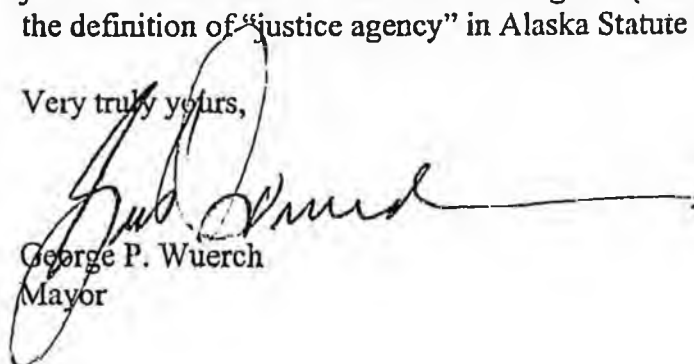
Representative Ralph Samuels
State of Alaska
State Capitol, Room 412
Juneau, AK 99801-1182

Re: House Bill Relating to the Office of Victims' Rights

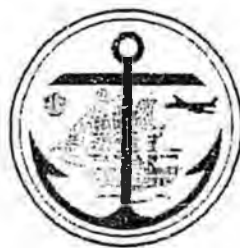
Dear Senator Green and Representative Samuels:

Please include municipalities as a unit of government, along with the executive and judicial branches of State government, in which there are "justice agencies", under the jurisdiction of the Office of Victims' Rights. (Revisions to Alaska Statute 24.65.110 and the definition of "justice agency" in Alaska Statute 24.65.250.)

Very truly yours,


George P. Wuerch
Mayor

Municipality
of
Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4311
Fax: (907) 343-4313 or 343-4780
www.ci.anchorage.ak.us/Assembly

ANCHORAGE ASSEMBLY

January 31, 2003

Representative Ralph Samuels
Room 409
State Capitol
Juneau AK 99801-1182

Dear Representative Samuels:

You have offered HB 68 along with seven of your house colleagues relating to the jurisdiction of the State Office of Victims' Rights. The Bill would clarify State law by making specific reference to Municipalities in its definition of justice agencies within OVR's jurisdiction. Enactment would resolve a technical question first raised by Anchorage Municipal Attorney Bill Green in connection with OVR's inquiry into the Godfrey shooting.

First by resolution and later by an amendment to the Anchorage Municipal Code, the Anchorage Assembly has already gone on record as acknowledging the jurisdiction of the State Office of Victims' Rights over the Municipality and requiring Municipal Officials to cooperate with that agency in its investigations. Based on these prior enactments and comments of individual members on January 28, 2002, when we first learned of your introduction of HB 68, I can safely say the Anchorage Assembly supports the goal of this legislation and would urge its enactment. If a more formal resolution of the Assembly would be helpful, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dick Traini". The signature is written in dark ink and is positioned above the printed name and title.

Dick Traini
Chair



STATE OF ALASKA
OFFICE OF VICTIMS' RIGHTS

Ralph Samuels
Representative
State Capitol, Room 409
Juneau, Alaska 99801-1182

January 30, 2003

Lyda Green
Senator
State Capitol, Room 516
Juneau, Alaska 99801-1182

RE: House Bill 68 and Senate Bill 42

Dear Representative Samuels and Senator Green:

In 2001 the Alaska legislature enacted a law that created a new agency within the legislature known as the Alaska Office of Victims' Rights (OVR) of which I am the director. The law, which may be found in Alaska statutes 24.65.010.250, went into effect on July 1, 2002. Our purpose is to help crime victims when they are unexpectedly and suddenly drawn into an often indifferent but always confusing criminal justice system at a time when they are trying to cope with injury and personal loss. It is equally to protect the rights they have under Alaska's constitution and statutes while working with police, prosecutors and criminal justice agencies as the investigation and prosecution of their cases unfolds, which can sometimes take months or years. Our clients, which now number more than 100, have sought a variety of services including information, education, investigation, in court advocacy and support. In providing these needed services we have focused on facilitating a cooperative relationship between criminal justice agencies and victims of crime.

While we have statewide jurisdiction, and assist many crime victims throughout Alaska, most of our clients reside within the Municipality of

1007 WEST 3RD AVENUE, SUITE 205 • ANCHORAGE, ALASKA 99501-1936
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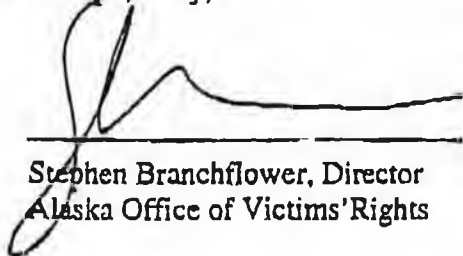
Anchorage, the state's most populated city. The Anchorage Police Department (APD), the largest law enforcement organization in the state, is responsible for investigating the majority of criminal cases in this community and is the justice agency we deal with for more than two-thirds of our cases.

I support passage of the amendment proposed in HB 68 and its companion in the Senate, SB 42, because it would clarify the definition of the term "justice agency" in AS 24.65.110(a)(1) by making it clear that APD, falls under the OVR's oversight. The legislature necessarily meant to include this police department and large population of victims under the umbrella of OVR's protection when it created this office. Since the amended statute will have statewide application, it will make it clear that police departments in smaller jurisdictions are also covered.

Officials of the Municipality of Anchorage are on record supporting the purpose of HB 68 and SB 42. For example, members of the Anchorage Assembly unanimously voted for passage of AO 2003-2 on January 28, 2003. That new ordinance states in pertinent part "The jurisdiction of the Office of Victims' rights over the Municipality of Anchorage, its departments, agencies, officials, and employees is officially acknowledged." Also, Anchorage's Mayor George Wuerch supported enactment of AO 2003-2, and spoke in favor of that ordinance when it came up for assembly action on the 28th. He has requested that you sponsor HB 68 on his behalf.

For these reasons, I join with the Mayor, Anchorage Assembly members, and others in the community who will be supporting this legislation, to urge passage of this needed amendment.

Respectfully,



Stephen Branchflower, Director
Alaska Office of Victims' Rights

Cc: Representatives Bill Stoltze, Lesil McGuire, Tom Anderson, Kevin Meyer,
Max Gruenberg, Mike Hawker, co-sponsors of HB 68

State of Alaska Representative, Ralph Samuels
State Capitol Room 409
Juneau, Alaska 99801-1182

February 2, 2003

Dear Representative Samuels:

We are writing this letter in support of House Bill 68 and Senate Bill 42 in an effort to encourage, or compel, if necessary, all municipalities within the state of Alaska to comply with The Office of Victims' Rights when it is operating in the capacity, which it was intended to. By bringing clarity to the term "justice agency" it would appear as though there would remain little room for the authority and jurisdiction of The Office of Victims' Rights to be misconstrued by any municipality or agency of justice governed by a municipality.

The unfortunate tragedy that recently struck our family created a need for us to turn to the OVR. As a resource the OVR has been invaluable. However, the investigation we requested by The Office of Victims' Rights was hindered through a delayed process of disclosure, which ultimately prolonged the investigation as well as the frustration of our family. An intermittent reluctance by the Anchorage Municipal Attorney's office to acknowledge the jurisdiction of The Office of Victims' Rights hampered, what should and could have been, a more expeditious process. We would desire that no one would suffer such a plight as ours, but should it happen again, we believe that no investigation should be inhibited by a question of jurisdiction or authority of The Office of Victims' Rights. That potential no longer exists within the Municipality of Anchorage because the assembly and mayor have graciously recognized the jurisdiction of the OVR through municipal ordinance. Unfortunately, that only accounts for Anchorage and the "justice agencies" within it. It is therefore prudent and timely for this legislature to ensure the intent of the previous legislature in clarifying the jurisdiction in the wording of the bill, which created The Office of Victims' Rights. We hereby embrace the sponsorship of the previously stated bills and encourage the passage of the amended wording.

Sincerest thanks,



Gerard Godfrey: The Godfrey Family

Anchorage Daily News

January 30, 2003



Alaska
Legislature

ON THE WEB:

For more information on the Alaska Legislature, including easy ways to contact lawmakers, go to www.adn.com/legislature

Bills would clarify jurisdiction

■ **AUTHORITY:** Reach of state victims' rights advocate would extend into municipality.

The Associated Press

JUNEAU — Several lawmakers want to make clear that a state victims' rights advocate can get involved in municipal as well as state cases.

House Bill 68, which was introduced Wednesday, stems from the state Office of Victims' Rights investigation into the slow response by Anchorage emergency workers to the August shootings of Glenn and Patti Godfrey.

Glenn Godfrey, a retired public safety commissioner, was killed by his former girlfriend, Karen Brand, who also killed herself and shot Godfrey's wife, Patti.

Because of problems in the Anchorage police dispatch system, it took emergency workers 48 minutes to reach Patti God-

When the office issued its critical report on the Godfrey case in November, Anchorage municipal attorney Bill Greene questioned whether the victims' rights office had jurisdiction in the case.

frey, who lay bleeding in her Eagle River home.

The Office of Victims' Rights investigated the case and issued a report finding Patti Godfrey's right to emergency help had been violated and urged changes in the Anchorage dispatch system.

The bill's sponsor, Rep. Ralph Samuels,

R-Anchorage, said Anchorage Mayor George Wuerch requested the legislation.

Current law does not make it clear whether the Office of Victims' Rights has authority to investigate municipalities' responses to crime, Samuels said.

When the office issued its critical report on the Godfrey case in November, Anchorage municipal attorney Bill Greene questioned whether the victims' rights office had jurisdiction in the case.

Jennifer Payne, a spokeswoman for Wuerch, said the mayor supports the legislation because he wants to make clear the city does not want to thwart the work of the victims' rights office.

"The mayor wanted to make sure that was cleared up, so there was no misunderstanding," Payne said.

Seven representatives have signed on as co-sponsors to the bill. A similar bill was introduced Wednesday in the Senate by Sen. Lyda Green, R-Wasilla. It is Senate Bill 42.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 68
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
 Title "An Act relating to the office of victims'..." BRU Legislative Council
 Component Council and Subcommittees
 Sponsor Representative Samuels, Stoltze, ...
 Requester House Judiciary Component No. 783

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
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	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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 68 amends the definition of "justice agency" under AS 24.65.250(1) to include municipalities. This bill has zero fiscal impact to the Office of Victims' Rights as the office currently works with municipalities on a statewide basis. This amendment would clarify the current practice of the Office of Victims' Rights.

Prepared by: Karla Schofield, Deputy Director
 Division: Administrative Services
 Approved by: Pamela A. Varni, Executive Director
 Agency: Legislative Affairs Agency

Phone 465-3850
 Date/Time 2/4/03 5:08 PM
 Date 2/4/2003