

SB

85

TUNDRA WOMEN'S COALITION

WORKING TOGETHER TOWARD A BRIGHTER FUTURE



Representative Lesil McGuire
Room 118
State Capitol
Juneau, AK 99801-1182

May 15, 2003

Representative McGuire,

As a member of the House Judiciary Committee, I would like to take this opportunity to ask for your support with Senate Bill 85, which is currently being reviewed by your committee. SB85 increases sentences for repeat sex offenders and eliminates good time for convicted sex offenders. Thank you for your continued support.

Sincerely,

Zachary J. Fansier
Legal Advocate, Tundra Women's Coalition

Post-it® Fax Note	7671	Date	5/15/03	# of pages	1
To	Representative Lesil McGuire	From	Zach Fansier		
Co./Dept	Alaskan House of Rep.	Co.	Tundra Women's Coalition		
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ALASKA STATE LEGISLATURE

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



State Capitol, Room 120
Juneau, AK 99801-1182
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House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: May 18, 2003
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS0512\U, CSSB 85 (JUD), incorporating the attached amendment. The bill was passed out of committee today and will be on the House floor 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 prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

1 with illegal drugs, only if

2 (A) the victim was involved in the manufacture or delivery
3 of a controlled substance at the time of the crime or the crime and
4 victimization was a direct result of the prior manufacture or delivery of a
5 controlled substance; the evidence of this manufacture or delivery must be
6 corroborated by law enforcement or other credible sources; and

7 (B) the evidence shows a direct correlation linking the
8 illegal activity and the crime and victimization; or

9 (4) if a claim is based on a crime involving domestic violence or on
10 a crime of sexual abuse of a minor or sexual assault and the offender is

11 (A) convicted of one of those crimes, notwithstanding (1) -
12 (3) of this subsection, the board may not deny an order based on
13 considerations of provocation, the use of alcohol or drugs by the victim, or
14 the prior social history of the victim; or

15 (B) not convicted of one of those crimes, the board may not
16 deny an order based on the involvement or behavior of the victim."

17
18 Renumber the following bill sections accordingly.

AMENDMENT #1 - *Samuels*

OFFERED IN THE HOUSE

TO: CSSB 85(STA)

1 Page 1, line 1, following "Act":

2 Insert "relating to the factors that may be considered in making a crime victim
3 compensation award;"

4

5 Page 8, following line 6:

6 Insert a new bill section to read:

7 "* Sec. 10. AS 18.67.080(c) is amended to read:

8 (c) In determining whether to make an order under this section, the board shall
9 consider all circumstances determined to be relevant, including provocation, consent,
10 or any other behavior of the victim that directly or indirectly contributed to the
11 victim's injury or death, the prior case or social history, if any, of the victim, the
12 victim's need for financial aid, and any other relevant matters. In applying this
13 subsection.

14 (1) the board may not deny an order based on the factors in this
15 subsection, unless those factors relate significantly to the occurrence that caused
16 the victimization and are of such a nature and quality that a reasonable or
17 prudent person would know that the factors or actions could lead to the crime
18 and the victimization:

19 (2) with regard to circumstances in which the victim consented to,
20 provoked, or incited the criminal act, the board may consider those
21 circumstances only if the board finds that it is more probable than not that those
22 circumstances occurred and were the cause of the crime and the victimization:

23 (3) the board may deny an order based on the victim's involvement

Sentencing Guidelines for Repeat Sexual Offenders

Current Law and CS SB 85(STA) Proposal

CRIME	UNCLASSIFIED FELONIES	CLASS A FELONIES	CLASS B FELONIES	CLASS C FELONIES
	Sexual Assault 1 Sexual Abuse of Minor 1	Attempted Sexual Assault 1 Attempted Sexual Abuse of Minor 1	Sexual Assault 2 Sexual Abuse of Minor 2	Sexual Assault 2 Sexual Abuse of Minor 3
CURRENT LAW PRESUMPTIVE SENTENCES				
First felony offense	8	5	1 to 4	0
One prior felony	15	10	4	2
Two prior felonies	25	15	6	3
MAXIMUM SENTENCE	30	20	10	5
PROPOSAL PRESUMPTIVE SENTENCES				
First felony offense	8	5	1 to 4	0
One prior felony	15	10	5	2
One prior sex felony	20	15	10	3
Two prior felonies	25	15	10	<u>3</u>
Two prior sex felonies	30	20	15	6
MAXIMUM SENTENCE	40	30	20	10

23-LS1164A
Luckhaupt
5/17/03

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

BY

Introduced:
Referred:

A RESOLUTION

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**
2 **Legislature, concerning Senate Bill No. 85, relating to sentencing and to the earning of**
3 **good time deductions for certain sexual offenses.**

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

5 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of
6 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding
7 changes to the title of a bill, are suspended in consideration of Senate Bill No. 85, relating to
8 sentencing and to the earning of good time deductions for certain sexual offenses.

CS SB 85 (STA)

Relating to sentencing and to the earning of good time deductions for certain sexual offenders

- CS SB 85 (STA) has two purposes: **first**, to increase the penalties for repeat sex offenders and, **second**, to add repeat sexual offenders to the list of those who are not eligible to earn a "good time" reduction of their terms.
- SB 85 is designed to treat repeat sex offenders differently from other repeat felons. Research has shown that sexual offenders are not like other offenders. They tend to commit a wide range and large number of sexually deviant acts during their lives and they show a continued propensity to offend.
- SB 85 addresses a pressing public safety issue in Alaska – the rate of reported rapes and other sexual assaults. Alaska has long had one of the highest rates of reported rapes per capita in the nation, ranking first among all states for 19 of the last 26 years, including 2001. SB 85 will do something about this undistinguished -- and shameful -- rating and provide additional protection for Alaska's women and children, the most frequent victims of sexual crimes.
- SB 85 addresses this issue by focusing on the worst of the worst – repeat sexual offenders, those who have been convicted of a sex offense and subsequently commit another sexual crime. A National Institute of Justice study concludes that adult offenders who commit sex crimes should be managed, treated, and supervised differently from other criminals.
- SB 85 establishes a separate, and more stringent, set of sentencing guidelines for those who commit second or subsequent sexual offenses or commit a sexual felony after a prior felony conviction. Current statutory guidelines in Alaska treat all repeat felons as though they were the same, that is, all prior felony convictions are given equal weight when an individual is sentenced on a new offense.
- CS SB 85 (STA) also adds repeat sexual offenders to the list of those who are not eligible to earn "good time" or a reduction in their prison terms for good behavior. CS SB 85 (STA) would require repeat sexual offenders to serve the full length of their sentences; they would not be eligible for parole.

ALASKA STATE LEGISLATURE

Senate
Judiciary
Committee
*
Senate
Labor & Commerce
Committee
*
Senate
Administrative
Regulation Review
Committee



SENATOR HOLLIS FRENCH

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SPONSOR STATEMENT – CS SB 85 (STA)

An Act relating to sentencing and to the earning of good time deductions for certain sexual offenders

CS SB 85(STA) – “An Act relating to sentencing and the earning of good time deductions for certain sexual offenders” addresses a pressing public safety issue in Alaska. Our state has long had one of the highest rates of reported rapes per capita in the nation, ranking first among all states for 19 of the last 26 years, including 2001. It is time to do something about this undistinguished -- and shameful -- rating and to provide additional protection for Alaska’s women and children, the most frequent victims of sexual crimes. SB 85 addresses this issue by focusing on the worst of the worst – repeat sexual offenders, those who have been convicted of a sex offense and subsequently commit another sexual crime.

CS SB 85 (STA) has two purposes: first, to increase the penalties for repeat sex offenders and, second, to add repeat sexual offenders to the list of those who are not eligible to earn a “good time” reduction of their terms.

CS SB 85(STA) is designed to treat repeat sex offenders differently from other repeat felons. Research has shown that sexual offenders are not like other offenders. As noted in a National Institute of Justice (NIJ) research report on managing adult sex offenders, sex crimes flourish in secrecy. Many offenders are otherwise highly functioning and use their social skills to commit their crimes and to manipulate both victims and criminal justice officials. Offenders are often very accomplished at presenting a facade designed to hide the truth about themselves. Many sex offenders commit a wide range and large number of sexually deviant acts during their lives and show a continued propensity to offend. The NIJ study

concludes that adult offenders who commit sex crimes should be managed, treated, and supervised differently from other criminals.

Current statutory guidelines in Alaska, however, treat all two-time felons as though they were the same, that is, all prior felony convictions are given equal weight when an individual is sentenced on a new offense. For example, a judge sentencing a person convicted of a second forgery or a second sexual offense has to operate under the same sentencing guidelines. SB 85 establishes a separate, and more stringent, set of sentencing guidelines for those who commit second or subsequent sexual offenses or commit a sexual felony after a prior felony conviction.

The other proposed change in the law in CS SB 85 (STA) is to add repeat sexual offenders to the list of those who are not eligible to earn “good time” or a reduction in their prison terms for good behavior. Under current law, most prisoners, including sexual offenders, can earn a one-third reduction of their sentences for good behavior. CS SB 85 (STA) would require repeat sexual offenders to serve the full length of their sentences; they would not be eligible for parole.

By increasing sentences for repeat sexual offenses and actual time served for these offenses, SB 85 will help to protect Alaska’s women and children from some of the most heinous crimes against them, sexual felonies.

I urge your support of this legislation.

Senator Hollis French
April 11, 2003

SECTIONAL ANALYSIS -- CS SB 85 (STA)

An Act relating to sentencing and to the earning of good time reductions for certain sexual offenses

- Section 1** Amends AS 12.55.12(c) to bring it into conformance with the new AS 12.55.125(i) enacted by this bill.
- Section 2** Amends AS 12.55.12(d) to bring it into conformance with the new AS 12.55.125(i) enacted by this bill.
- Section 3** Amends AS 12.55.12(e) to bring it into conformance with the new AS 12.55.125(i) enacted by this bill.
- Section 4** Corrects a reference to a subsection repealed in earlier legislation.
- Section 5** Establishes a separate, and more stringent, sentencing schedule for individuals convicted of "sexual felonies" (see below, Section 9). Increases maximum term for first offenses. Establishes new maximum and presumptive sentences (see Attachment A) for conviction of a second or subsequent sexual felony. Under current law, sentencing for a second felony, whether it is sexual felony or another type of felony, is controlled by the same statutory requirements for maximum and presumptive sentences.
- Section 6** Provides guidelines on how to consider prior convictions in Alaska or other jurisdictions when imposing sentences.
- Section 7** Corrects a reference to a subsection repealed in earlier legislation.
- Section 8** Corrects a reference to a subsection repealed in earlier legislation.
- Section 9** Provides a definition for "sexual felony."
- Section 10** Adds repeat sexual felons to the list of those not eligible for a "good time" reduction in their term of imprisonment.
- Section 11** Establishes that the provisions of the bill are applicable to sentencings and calculation of "good time" for offenses committed on or after the effective date of the Act.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB85(STA)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Department of Corrections
Title Good Time Deductions for Sexual Offenses BRU Administration & Operations
Sponsor Senator French Component _____
Requester _____ Component No. _____

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	0.0	0.0	0.0	*	*	*
Travel	0.0	0.0	0.0	*	*	*
Contractual	0.0	0.0	0.0	*	*	*
Supplies	0.0	0.0	0.0	*	*	*
Equipment	0.0	0.0	0.0	*	*	*
Land & Structures	0.0	0.0	0.0	*	*	*
Grants & Claims	0.0	0.0	0.0	*	*	*
Miscellaneous	0.0	0.0	0.0	*	*	*
TOTAL OPERATING	0.0	0.0	0.0	*	*	*
CAPITAL EXPENDITURES	0.0	0.0	0.0	*	*	*
CHANGE IN REVENUES ()	0.0	0.0	0.0	*	*	*

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	*	*	*
1003 GF Match	0.0	0.0	0.0	*	*	*
1004 GF	0.0	0.0	0.0	*	*	*
1005 GF/Program Receipts	0.0	0.0	0.0	*	*	*
1037 GF/Mental Health	0.0	0.0	0.0	*	*	*
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	*	*	*
TOTAL	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 2004 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The Department of Corrections does not expect additional costs as a result of changes to sentencing in SB 85 in the first three years after enactment. For years beyond FY 07, there may be a cost to the department due to the increase in the length of sentences and the elimination of good time deductions for repeat sexual offenders, but it cannot be determined with any precision. Please see attached.

Prepared by: Jerry D. Burnett, Director
Division: Administrative Services
Approved by: Portia C.K. Parker, Deputy Commissioner
Agency: Department of Corrections

Phone 465-3339
Date/Time 4/29/03 11:41 AM
Date 4/29/2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. CSSB 85(STA)

ANALYSIS CONTINUATION

In an attempt to determine the potential impact on the Department of Corrections (DOC), the DOC Research Section researched the re-offend rate of sex offenders in the department's custody. The research section reported that there were 727 sex offenders in the department's custody on April 2, 2003.

Number of the 727 sex offenders who are repeat offenders (in the department's custody for any reason previously):

- In DOC custody on a sex offense	727	100%
- In DOC previously and released at some point	581	80%
- Average number of times sex offender admitted to DOC (up to 11/11/2001)	6.24 times	
- Percent admitted to DOC 10 or more times (581= 100%)	302	52%

Major offenses committed when admitted to DOC (by the 727 sex offenders in custody on 04/02/03):

- Parole/Probation/Court violations, etc.	25%
- All sex offenses (sex assault/abuse/etc.)	15%
- All alcohol (DUI/Minor Consuming/etc.)	13%
- All Assaults	16%
- Theft/Burglary/Larceny/Robbery	11%
- All traffic	5%
- All Other	15%

Given the high level of recidivism for all offenses among this group of sex offenders, it is likely that many of the inmates who would receive a longer sentence under the provisions of SB 85 already would spend a significant portion of that time in prison for some charge regardless of passage of this legislation. Keeping this group of sex offenders in prison for longer periods for a single crime, and thus incarcerated in lower cost, long-term facilities, may reduce or contain costs for booking/intake, inmate transportation and may help contain increasing demands for pre-trial bed space.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 85
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to sentencing and goor BRU Legal and Advocacy Services
for felony sexual offenses Component Public Defender Agency
 Sponsor Senator French
 Requester Senate State Affairs Component No. 1631

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						
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--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

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 2004 budget proposal:

POSITIONS

Full-time	*	*	*	*	*	*
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached page for analysis.

Prepared by: Linda K. Wilson, Deputy Director
 Division: Public Defender Agency
 Approved by: Mike Miller, Commissioner
 Agency: Department of Administration

Phone (907)-334-4416
 Date/Time 4/28/03 7:32 PM
 Date 4/28/2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. CSSB 85

ANALYSIS CONTINUATION

This bill has three distinct features. Sections 1-5 propose to increase the maximum sentences for all felony sexual offenses, and to increase the presumptive sentences for felony sexual offense convictions for first offenders and when the defendant has a prior sexual felony conviction. Section 6 eliminates the 10-year look back limitation for prior convictions for class B and C sexual offense felonies that the court considers when determining if presumptive sentencing applies and for general sentencing purposes in all sexual felony cases. Currently only prior felony convictions where less than 10 years from the date of the defendant's unconditional discharge on the immediately preceding offense and the commission of the present offense has elapsed may be considered by the court in class B and C felony sentencing proceedings. Lastly, Section 10 of the bill proposes to eliminate entirely the award of good time to prisoners convicted of a sexual felony who have a prior sexual felony conviction, no matter how old. Currently all prisoners convicted of a sentence that exceeds 3 days earn a one-third deduction for good behavior.

This bill will have a fiscal impact on the operations of the Public Defender Agency. There may be litigation on whether this bill violates equal protection of the laws under the Alaska or United States Constitution. In the past, Alaska courts have found that laws singling out particular offenses (rather than classes of offenses) for disparate treatment violate equal protection. Also, it is likely that more cases will be contested and go to jury trial because of the increased sentences, and the elimination of good time awarded for second offenders, as proposed in this bill. If conviction results at trial, it is equally likely that there will be more appeals from those convictions. The Agency represented indigent defendants in over 20,000 cases in FY02, over 3600 of which were felonies. It is expected that the Agency's caseload will increase by approximately 1,000 cases for FY03, from the half yearly figures for FY03, also increasing the number of felonies for FY03 by approximately 100 cases. A noticeable number of the felony sexual offense charges involve indigent native defendants with substance abuse issues surrounding the alleged offense. Felony sex offenses are costly cases to defend at trial. With the increase in maximum allowable sentences, it is also likely that any suspended portion of the sentence will also increase, which may result in more contested adjudications on petitions to revoke probation proceedings, because of the potential to have a larger sentence imposed upon revocation. This will also likely increase the workload of the Agency.

The Agency cannot predict with any accuracy what the fiscal impact will be on the Agency if this bill becomes law, but is sure there will be one. Therefore, an indeterminate fiscal note is submitted.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 85
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to sentencing and to the earning BRU Criminal Division
of good time deductions for certain sexual offenses." Component All
Sponsor Senator French
Requester Senate State Affairs Committee Component No. _____

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						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--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 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill increases the presumptive sentences and decreases the amount of good time that may be earned during imprisonment for persons convicted of certain felony sexual offenses.

Passage of this legislation is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division Attorney General's Office Date/Time 4/2/03 1:07 PM
Approved by: Kathryn Daughettee for Gregg D. Renkes, Attorney General Date 4/2/2003
Agency Department of Law



Alaska State Legislature House and Senate Democrats

www.akdemocrats.org

FOR IMMEDIATE RELEASE • April 11, 2003

CONTACT: Jordan Marshall • (907) 465-3842, Toll-free (888) 465-4919, Cell: 321-3682

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Sex Offender Bill Receives Unanimous Bipartisan Support

Sen. Hollis French and Colleagues Take Stand to Protect Women and Children

JUNEAU – Repeat sex offenders would receive longer sentences under a bill introduced by Senator Hollis French (D-Anchorage). Senate Bill 85 passed out of the Senate State Affairs Committee yesterday with unanimous bipartisan support.

SB 85 aims to increase the penalties for repeat sex offenders. It also would make repeat sex offenders ineligible for the one-third “good time” reduction in prison sentences that most offenders can earn.

“Alaska ranks among the worst in the country in terms of reported rapes per capita, and has for years,” says Senator French. “I believe it is time to change that and to do something about this undistinguished – and shameful – rating. This law will provide additional protection for Alaska’s women and children, who are the most frequent victims of sexual crimes.”

SB 85 focuses on repeat sexual offenders, those who have been convicted of a prior sex offense, whether in Alaska or in the Lower 48, and who subsequently commit another sexual felony here in the Alaska. Research on sexual offenders has shown that they should be dealt with differently than other types of offenders. However, current sentencing law in Alaska treats all two-time felons the same. Prior felony convictions are given equal weight when an individual is sentenced on a new offense.

Take this example: an individual is convicted of sexual assault, and he has one prior felony conviction. The law as it stands treats that first conviction the same, whether it was a vehicle theft or a previous sexual assault.

“This is wrong,” says French, a former state prosecutor.

(MORE)

Putting Alaskans First • Moving Alaska Forward 2003

Sen. Bettye Davis, Sen. Johnny Ellis, Sen. Kim Elton, Sen. Lyman Hoffman, Sen. Hollis French, Sen. Gretchen Guess, Sen. Georgianna Lincoln,



Alaska State Legislature House and Senate Democrats

(2 of 2)

“The purpose of SB 85 is to establish a separate, and more stringent set of sentencing guidelines for those who commit second or subsequent sexual offenses.”

The other change proposed by SB 85 eliminates the “good time” reduction that many prisoners earn in their sentences for good behavior. The “good time” reduction often reduces a prison term by a third, or more. Repeat sex offenders will be required to serve the full sentence they receive in court.

“Victims are often dismayed to learn that the 10-year sentence imposed by a judge only amounts to a little over six years,” notes French. “This change in the law will cure that.”

The bill passed out of its first committee unanimously, and continues to receive good support. “There’s no political angle to this subject. I appreciate the support of my Republican colleagues in the Senate, including Senators Ben Stevens, Fred Dyson, and Con Bunde, who are co-sponsoring the measure.”

SB 85 is now in the Senate Judiciary Committee, where a hearing has been requested.

###

For more information, contact Senator Hollis French, 907-465-3892.

Putting Alaskans First • Moving Alaska Forward 2003

Sen. Bettye Davis, Sen. Johnny Ellis, Sen. Kim Elton, Sen. Lyman Hoffman, Sen. Hollis French, Sen. Gretchen Guess, Sen. Georgianna Lincoln,

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

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Pro Bono Project

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Organizational Members:

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MFCC

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BSWG

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USAFV

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Comments on S385

The Alaska Network on Domestic Violence and Sexual Assault (Network), is the state's coalition of domestic violence and sexual assault intervention/prevention programs. The programs provide immediate safety, advocacy, and crisis intervention to victims, their children and perpetrators of these crimes.

SB85 will increase penalties for repeat sex offenders and deny good time to sex offenders. The Network supports both aspects of the bill.

Statistics paint a grim picture when researching sexual assault in our nation and state. According to statistics from the Child Welfare League, one in three girls and one in six boys will be sexually abused before their eighteenth birthdays. According to statistics from the FBI's Uniform Crime Report, Alaska continues to rank #1 in the nation for per capita sexual assault. During state fiscal year 2002, over 2000 victims of sexual assault sought assistance from Network member programs. The Department of Corrections reports over 750 sex offenders are currently in Alaska's institutions.

Research and studies into recidivism rates demonstrate the difficulties in sex offenders successfully being able to change their behaviors and refrain from committing more sex offenses. Studies that focus on treatment tend to frame their success in terms of "how long" it takes to reoffend, not that reoffense doesn't occur. This lends support to the belief that keeping sex offenders out of the community is the best way to keep more sexual assaults from occurring.

Alaska is not the first state to deny good time to sex offenders, nor will the proposed increase in sentencing be the strictest in the nation. Arizona, Tennessee and Oregon, states with less per capita reported sexual assault than Alaska, choose not to give good time to sex offenders. Illinois doubles the sentencing time for repeat sex offenders.

The Network believes increasing sentences for repeat offenders and denying good time are both viable ways to increase safety in our communities and asks the legislature to pass SB85 during this session.



**INTERIOR ALASKA CENTER
FOR NON-VIOLENT LIVING**

717 Ninth Avenue • Fairbanks, Alaska 99701
(907) 452-2293 • Fax: 452-2613 • 1-800-478-7273

May 1, 2003

Senator French
Capitol Building
Juneau, AK

Dear Senator French,

I am writing this letter to you in support of SB85. In our agency we experience first hand the devastation caused by sexual assault. Entire families are destroyed, left to rebuild what they can when offenders are relatives. Rape of adults by strangers leaves lasting fear of places, inability to trust, and damage to having a healthy intimate relationship just to name a few.

It is our experience that someone who is on their second or third felony offense and especially if the prior crimes have been sexual in nature, are grave dangers to our society. As an individual and as an agency we support wholly seeing the sentences of second and third time felons extended.

In addition we support the presumptive sentences for sexual abuse of a minor as listed in SB85.

Thank you for your commitment to the issue of sexual assault. We appreciate all you do in Juneau.

Sincerely

Brenda Stanfill
Executive Director



Alaska Women's Resource Center

610 C Street, Suite 2A ♦ Anchorage, AK 99501 ♦ (907) 276-0528 ♦ fax (907) 279-6754

April 30, 2003

TO: Members of the Senate Judiciary Committee

FROM: Mary Dyer, Executive Director

RE: SB 85

We at the Alaska Women's Resource Center wish to express our support of the passage of SB 85. We work daily with individuals who have known the trauma of a sexual assault. Many victims carry the burden of guilt with them for years. To come forward with their story takes great courage. To have the legal process minimize a repeat offender's sentence or lessen their sentence for "good time" says volumes to all victims.

We need to let all offenders know that we as a State are serious about the safety of our citizens. Please support SB 85.

TUNDRA WOMEN'S COALITION
WORKING TOGETHER TOWARD A BRIGHTER FUTURE



April 30, 2003

To: Senate Judiciary Committee
From: Michelle DeWitt,
TWC Executive Director

Senate Judiciary Committee Members:

I support SB 85, the bill sponsored by Senator French that will increase sentences and eliminate "good time" for repeat sex offenders. TWC provides services for victims of family and sexual violence, and it is from our daily work with victims and knowledge of offenders' behaviors that I - and the staff at TWC - determined that we support this bill. I hope to see this bill moved out of committee.

Sincerely,

A handwritten signature in black ink that reads "Michelle DeWitt". The signature is fluid and cursive.

Michelle DeWitt



Kenai-Soldotna Women's Resource & Crisis Center

Senator Hollis French
State Capitol
Juneau, AK 99801-1182

RE: SB 85

Dear Senator French:

Thank you very much for sponsoring Senate Bill 85. The board of directors, staff and clients of the Kenai-Soldotna Women's Resource & Crisis Center are very appreciative of your work on this issue.

Increasing sentences for repeat sex offenders and disallowing good time will ensure better protection for Alaskans against brutal assaults. In addition, providing stronger sentences for these offenders sends a strong message to those contemplating sex offenses.

Thank you again for sponsoring this important piece of legislation. We appreciate your proactive approach in addressing sexual assault in the State.

Sincerely,

Heather Arnett
Executive Director
Kenai-Soldotna Women's Resource & Crisis Center



SITKANS AGAINST FAMILY VIOLENCE

P.O. Box 6136 • Sitka, Alaska 99835
(907) 747-3370 • Fax 747-3450 • Crisis Line 1-800-478-6511



April 10, 2003

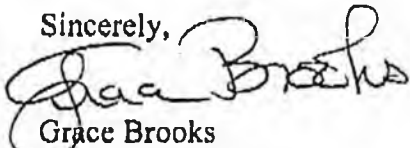
Senator French
Room 504
State Capitol Building
Juneau AK 99801

Dear Senator French:

I am writing to support SB85. We have learned that repeat sex offenders are very likely to continue to offend. I applaud your efforts to increase jail time for repeat sex offenders. Being raped causes so many scares and is such a trauma. It takes years of healing and never is forgotten. I support this bill in hopes that there will be fewer victims.

In Sitka SAFV is part of the Sexual Assault Response Team. We know only too well the trauma that victims experience and the struggle they have in reclaiming their lives. These crimes need to be responded to in a very serious manner and this bill is a step in the right direction. Thank you

Sincerely,


Grace Brooks
Executive Director

cc: Senator Gary Stevens
Senator Cowdry
Senator Dyson
Senator Guess
Senator Hoffman



Member of the Alaska Network on Domestic Violence and Sexual Assault
United Way Member Agency

Patrick Dougherty
Vice President & Editor

Steve Lindbeck
Associate Editor

1946 by Norman C. Brown

Katherine Fanning, Editor and Publisher, 1971-1983

Lawrence Fanning, Editor and Publisher, 1967-1971

OPINION

COMPASS: *Points of view from the community*

Get tough with repeat offenders

By SEN. HOLLIS FRENCH

Like most Alaskans, I am proud of our state. However, a recent news article disturbed me. The article reported that the rates of sex assault in Anchorage, and in Alaska as a whole, are among the highest in the nation. Since 1976, the state has ranked in the top five in the nation for reported rapes per capita.

I got to thinking about that and the question I kept coming back to is this: What am I going to say to the people of my district and the people of this state when I am rightly asked, "What did you do to stop this?" Did I help to strengthen the laws? Did I raise the community's awareness? Did I help get money for a shelter or help fund a study that would look at the pattern of the cases?

We can't go on leading the nation in sex assault. I feel ashamed about that. We must use all our power to get our rates down and keep them down.

Gov. Murkowski promised during the campaign and in his State of the State address to get tough on crime. I welcome the governor's attitude. I would encourage him to focus on the truly bad actors in the criminal justice system — on the individuals who, in just a few minutes of outrageous behavior, can inflict a lifetime of damage on a victim.

I have three proposals.

First, we must strengthen the laws on repeat sex offenders. We must carefully target those individuals who have been convicted of sex crimes in the past, and when they commit another sex crime we must



There's no Democratic way to feel about this, nor is there a Republican way to feel. There's only one way to feel, and that's outraged.

hammer them and hammer them hard.

The law as it stands treats all repeat felons the same. For example, if you commit a sex assault, do your prison time and upon release commit another sex assault, the law treats that first conviction as if it were the same as stealing a car or forging a check. All two-time felons are the same, according to the law. I would argue, however, that a two-time rapist is different. A two-time rapist needs to spend a long time in a small place where he can't hurt anyone else. I'll be proposing a change to the sentencing laws to deal with these hard-core repeat offenders.

My second idea jelled when I read about Carlos Rodriguez, who was released from prison recently. Rodriguez made his criminal career enticing young boys 12 to 14 years old with drugs and alcohol, then forcing sex on them. Most were too ashamed to go to the police. Several of his victims committed suicide over the years. Now Rodriguez is out of prison and in the care of an overworked parole officer.

Back in 1983, when he was convicted, Rodriguez was sentenced to 24 years in prison. So 1983 plus 24 should equal 2007.

Why was he released early? Good time. Prisoners earn good time for obeying the rules in prison. Good time is why Carlos Rodriguez is out on the streets. Repeat sex offenders should not get the same good-time reduction as other prisoners.

We also need to know more. A study has been proposed to provide demographic information about rape victims and offenders in Anchorage and to provide more details about the actual assaults. The same questions should be researched statewide.

The overwhelming majority of sex assaults committed in this state are inflicted upon women and children. There's no political angle to this subject. There's no Democratic way to feel about this, nor is there a Republican way to feel. There's only one way to feel, and that's outraged.

Please join me in sharing that feeling of outrage. Please join me in supporting legislation and funding to address Alaska's problems in this area. Alaska should not lead the nation in sex assaults. This is one area in which every Alaskan would be proud to be in last place.