

SB

85

**Senator Hollis French**


Capitol Room 504  
465-3892  
465-6595 fax



**MEMORANDUM**

Date: <sup>4/11/03</sup> March 6, 2003

To: Senator Ralph Seekins, Chair  
Senate Judiciary Committee

From: Senator Hollis French 

RE: Request for Hearing on CS SB 85 (STA)- "An Act relating to sentencing and to the earning of good time deductions for certain sexual offenders"

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This is a request that you schedule CS SB 85 (STA) – "An Act relating to sentencing and to the earning of good time deductions for certain sexual offenders" for a hearing during the week of April 20 or, alternately, as soon after that as possible.

I have attached a copy of the bill, a sponsor statement, sectional analysis, fiscal notes and other supporting materials for the committee packet. Additional letters of support will be provided prior to the hearing.

Please arrange to have the hearing teleconferenced.

Many thanks --

Attachments

## **SPONSOR STATEMENT – CS SB 85 (STA)**

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

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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 deductions for certain sexual offenses**

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- 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: SB85  
( ) Publish Date: \_\_\_\_\_

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

## 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	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<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>

<b>CAPITAL EXPENDITURES</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>CHANGE IN REVENUES ( )</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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## FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<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 (FY2003) cost: 0.0

Mark 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)

While this legislation has the potential to result in additional incarceration of inmates, it is not possible for the Department to quantify the number of additional inmates in the first five years. We believe that the number would be small. The longer term sentences contained in SB 85 may result in the need for additional bed space in the correctional system 5-20 years in the future and beyond. Again, it is not possible for the Department to define the numbers of additional beds required in the future as this legislation may result in changes in law enforcement, judicial or offender behavior in the long run.

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 4/1/03 2:27 PM  
Date 4/1/2003

# 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 of good time deductions for certain sexual offenses." BRU Criminal Division  
 Sponsor Senator French Component All  
 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						
<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>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--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 (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  
 Division: Attorney General's Office  
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General  
 Agency: Department of Law

Phone (907) 465-5370  
 Date/Time 4/2/03 1:07 PM  
 Date 4/2/2003

## 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
<b>CURRENT LAW PRESUMPTIVE SENTENCES</b>				
First felony offense	8	5	1 to 4	0
One prior felony	15	10	4	2
Two prior felonies	25	15	6	3
<b>MAXIMUM SENTENCE</b>	<b>30</b>	<b>20</b>	<b>10</b>	<b>5</b>
<b>PROPOSAL PRESUMPTIVE SENTENCES</b>				
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	3
Two prior sex felonies	30	20	15	6
<b>MAXIMUM SENTENCE</b>	<b>40</b>	<b>30</b>	<b>20</b>	<b>10</b>

Patrick Dougherty  
Vice President & Editor

Steve Lindbeck  
Associate Editor

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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




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*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.*

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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.

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TOP ALASKA STORIES

### Local rape rates are increasing

**ANCHORAGE:** City had 5th highest number of reported sexual assaults in nation.

By Tataboline Brant  
Anchorage Daily News  
(Published: February 15, 2003)

Anchorage had the fifth highest rate of reported rape among 274 metropolitan areas in the United States, according to 2001 statistics released Friday by city officials.

The numbers are based on the FBI's 2001 Uniform Crime Reports and were condensed into a report by the SAFE City Program, part of the Municipality's Department of Health and Human Services.

Anchorage police presented the statistics, along with some of their own, on Thursday to the Alaska Native Women's Sexual Assault Committee, a volunteer task force that meets monthly. The committee had asked police to make the presentation, said committee member Karen Lee, program director for the Alaska Native Justice Center.

What they heard was alarming, she said: "We were surprised to see such a dramatic increase over the last three years."

According to Anchorage police statistics, the number of reported rapes in Anchorage per 100,000 population has been on the rise in recent years after dropping to 59.5 in 1999. It climbed to 75.2 in 2000 and 81.3 in 2001. That put the city fifth behind Rapid City, S.D.; Bremerton, Wash.; Panama City, Fla.; and Benton Harbor, Mich., according to SAFE City statistics.

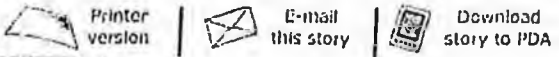
The 2002 rate is not yet tabulated, but police told committee members they expect another increase, Lee and others said.

Rape is not a new problem in Alaska. Since 1976, the state has ranked in the top five states in the nation for the highest rate of reported rape per capita, according to SAFE City statistics. For 19 out of the last 26 years -- including 2001 -- Alaska ranked highest in the nation, SAFE's numbers show.

Anchorage Assemblywoman Anna Fairclough, executive director of STAR, Standing Together Against Rape, said she wasn't surprised that the state ranked highest in 2001.

"We've always known at STAR that we have held the No. 1 spot," she said.

What was alarming were the statistics about Anchorage, Fairclough said. When you look at the overall rate for major crimes in the city -- homicide



statewide

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when you look at the overall rate for major crimes in the city -- homicide, rape, burglary, aggravated assault, theft, robbery -- Anchorage looks like a pretty safe place to live compared with the rest of the nation. But look at the rape category alone and Anchorage "just screeches to the top," she said.

Fairclough did not know what may have caused the rate of reported rapes in Anchorage to rise in the last few years: "It would be a guess as to why."

Committee members Lee and Denise Morris, president of the Alaska Native Justice Center, said they too could only speculate on why the numbers have gone up.

The Alaska Native Women's Sexual Assault Committee was formed in 1999, after police released statistics indicating that more than 50 percent of the reported cases of sexual assault occurring in Anchorage had been reported by Alaska Native women, Morris said. Perhaps the committee had something to do with why the rates rose in 2000 and 2001, Lee said. "What happens sometimes when you bring awareness is people feel empowered to report," she said. "But that's only one scenario."

The committee will continue to study the issue and try to come up with solutions, said Morris, the committee chair. The task force already does "meet and greet" campaigns about three times a year, targeting Alaska Native women, Morris said. It hands out literature about how to stay safe.

"I think there's more that could be done," Morris said.

SAFE City wants to do a comprehensive study on sexual assaults in Anchorage, said Rhonda Grove, a statistical analyst with the program.

Funding for the study has not yet been secured, but officials already have plans to develop the methods for the study in the next year, she said.

The study would likely provide demographic information about rape victims and offenders and more details about the actual assaults, among other things, she said, which could be used to fight the problem.

Reporter Tataboline Brant can be reached at [tbrant@adn.com](mailto:tbrant@adn.com) and 907-257-4321.

# 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

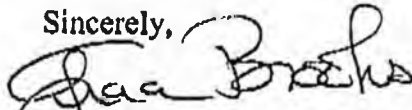
Senator French  
Room 504  
State Capitol Building  
Juneau AK 99801

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 address that.  
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

# 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  
 Component \_\_\_\_\_  
 Sponsor Senator French Component No. \_\_\_\_\_  
 Requester \_\_\_\_\_

**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	*	*	*
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	*	*	*

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	*	*	*
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	*	*	*
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**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	*	*	*
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	*	*	*

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 good 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						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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

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 Phone (907)-334-4416  
 Division: Public Defender Agency Date/Time 4/28/03 5:58 PM  
 Approved by: Mike Miller, Commissioner Date 4/28/2003  
 Agency: Department of Administration

## 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 FY02, 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.

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 cursive script that reads "Michelle DeWitt".

Michelle DeWitt

# TUNDRA WOMEN'S COALITION

WORKING TOGETHER TOWARD A BRIGHTER FUTURE



Senator Ralph Seekins  
Room 125  
State Capitol  
Juneau, AK 99801-1182

April 28, 2003

Senator Seekins,

As the chairperson of the Senate 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. Thank you for your continued support.

Sincerely,

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

Post-it® Fax Note	7671	Date	4/28/03	# of pages	1
To	Senator Ralph Seekins	From	Zach Fansler		
Co./Dept.	Alaska State Senate	Co.	Tundra Women's Coalition		
Phone #	907.465.2327	Phone #	907.543.3444		
Fax #	907.465.5241	Fax #	907.543.3752		