

HB

132

HFIN

FILE

HOUSE COMMITTEE REPC T

(11)

Date Referred to Committee: March 3, 2005

FURTHER REFERRALS:

Date of Committee Action: 4/5/05

The FINANCE Committee considered:

HB 132

HOUSE BILL NO. 132

CRIMES AGAINST ELDERLY

"An Act relating to sentencing for certain crimes committed against the elderly; and providing for an effective date."

Recommends it be replaced with HCS or CS for HB 132 (JUD)
 For Senate Bills with new title: Technical Title New Title: ICR Same Title New Title

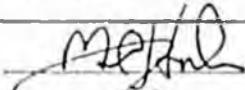
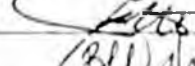
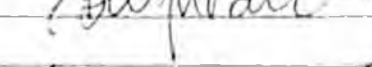
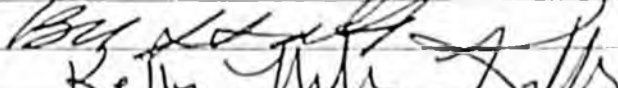
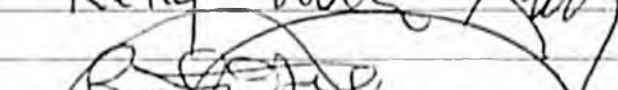
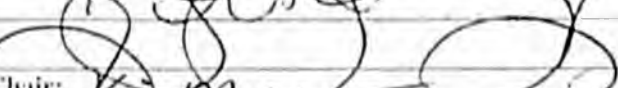

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CEC
- COR
- CRT
- EED
- DEC
- DEG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- CA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
AK CRT		✓		
DOA		✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
law	#1			✓
DPS	#2			✓
DOC	#3		✓	

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Hawker	x			
	Holm	✓			
	Weyrauch			x	
	Stutz	x			
	Kelly	x			
	Foster	x			
Chair: 	Meyer	✓			
Chair:					

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 132 (JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Crimes Against the Elderly BRU Alaska Court System
Component Trial Courts
Sponsor Representative Stoltz Component No. _____
Requester _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	29.5	29.5	29.5	29.5	29.5	29.5
Travel	1.1	1.1	1.1	1.1	1.1	1.1
Contractual	23.6	23.6	23.6	23.6	23.6	23.6
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	54.2	54.2	54.2	54.2	54.2	54.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousand. of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.2	54.2	54.2	54.2	54.2	54.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	54.2	54.2	54.2	54.2	54.2	54.2

Estimate of any current year (FY2005) cost: 00

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

House Bill 132 increases the penalties for certain crimes if the victim is a person 65 years of age or older. Although the bill raises the offense levels for many crimes against the elderly, the ones likely to impact the court system are those that will raise an offense from a class A misdemeanor to a class C felony. Felony crimes are more resource intensive for the court system because there are grand jury costs, they have a higher trial rate than misdemeanors and, because defendants are subject to supervised probation by the Department of Corrections, they are more likely to be back before the court for petitions to revoke probation. According to the Public Defender Agency, they were appointed in 4851 misdemeanor cases in 2004 that would be felonies under HB 132 in those cases where the victim was 65 years old or older. The Public Defender also notes that census data shows that roughly 6% of Alaska's population is 65 years of age or older. Assuming that crime victims

Prepared by Doug Wooliver, Administrative Attorney Phone 907-453-4750
Division Alaska Court System Date/Time 3/8/05 11:54 AM
Approved by Doug Wooliver for Stephanie Cole, Administrative Director Date 3/8/2005
Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSHB 132 (JUD)

ANALYSIS CONTINUATION

are represented proportionally across age categories, the Public Defender numbers suggest that roughly 291 (6% of 4851) crimes against the elderly would rise from misdemeanors to felonies under this bill. Because the Public Defender Agency represents slightly over 60% of felony defendants, the number of new felony offenses filed in the court system is likely to be roughly 450 cases a year.

However, notwithstanding the fact that those 65 years of age or older represent 6% of the state's population, it is not clear what percentage of crime victims actually fall into that category. Because of that uncertainty and because of proof problems associated with the defendant having to act with reckless disregard for the age of the victim, this note will conservatively assume that the passage of HB 132 will result in 200 (rather than 450) new felony cases filed with the court each year. Because roughly 4% of felony cases go to trial, this note reflects the trial costs associated with 8 new felony trials a year. This note does not reflect the additional grand jury time that will be required for these new felonies nor does it include extra costs associated with petitions to revoke probation.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 132
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An Act relating to sentencing for RDU: Legal and Advocacy Services
certain crimes against elderly... Component: Public Defender Agency
Sponsor: Reps. Stoltze, McGuire
Requester: House Judiciary Component No.: 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	94.0	94.0	94.0	94.0	94.0	94.0
Travel	3.2	3.2	3.2	3.2	3.2	3.2
Contractual	23.9	23.9	23.9	23.9	23.9	23.9
Supplies	1.8	1.8	1.8	1.8	1.8	1.8
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	129.6	123.6	123.6	123.6	123.6	123.6

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	129.6	123.6	123.6	123.6	123.6	123.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	129.6	123.6	123.6	123.6	123.6	123.6

Estimate of any current year (FY2005) cost: 00
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill seeks to enhance penalties for numerous crimes against a person 65 years or older. From the 2002 census, it indicates people over 65 comprise 6% of Alaska's population. There are more than 25 crimes listed for enhancement if a victim is 65 or older. The Agency was appointed in over 6600 of these crimes in 2004 (6% of 6605 = 396 crimes against elderly, but some reduction in this number would be appropriate for crimes where the state would not be able to prove that the defendant was reckless with regard to the victim being 65 or older), with over 73% (4851) of them involving misdemeanor crimes that would become felonies. Felonies are much more costly to defend than misdemeanors. American Bar Association national standards provide that an attorney should not handle more than 400 misdemeanor cases a year, or 150 felonies a year. This shift from misdemeanor to felony will increase the Agency workload by one 2/3 attorney position, factoring in support staff.

Prepared by: Linda K. Wilson, Deputy Director Phone: (907)334-4416
Division: Public Defender Agency Date/Time: 2/25/05 2:26 PM
Approved by: Michael Tibbles, Deputy Commissioner Date: 2/25/2005
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 132(JUD)
(H) Publish Date: 3/3/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An Act relating to sentencing for certain crimes RDU Alaska State Troopers
committed against the elderly Component AST Detachments
Sponsor Representatives Stoltze, McGuire
Requester _____ Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill adds a new penalty section for crimes committed against the elderly. The new section outlines an increase in criminal classifications (B misdemeanor is a class A misdemeanor, etc.) which apply to a number of specific Title 11 offenses listed in the bill when the victim was 65 years of age or older at the time of the crime.

No fiscal impact on the Department of Public Safety is anticipated.

Prepared by Lieutenant Todd Sharp Phone 907-465-3223
Division Alaska State Troopers Date/Time 2/22/05 5:34 PM
Approved by Commissioner William Tandeske Date 2/22/2005
Agency Department of Public Safety

ALASKA STATE LEGISLATURE

Vice Chair:
House Finance Committee

Chair:
House Finance Subcommittees for,
Department of Public Safety
Department of Law



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-4938
Fax: (907) 465-4928

Interim:
PO Box 464
Chugiak, AK 99567

REPRESENTATIVE BILL STOLTZE

Representative_Bill_Stoltze@legis.state.ak.us

House Bill 132

Crimes Against Elderly

"An Act relating to sentencing for certain crimes committed against the elderly; and providing for an effective date."

The population of older citizens in Alaska is growing rapidly, as are the crimes that affect them. The physical, emotional, and financial impact of crimes against the person, and theft and related crimes, on the elderly can be devastating. House Bill 132 would increase the penalty one level for certain crimes against a person and for theft and related crimes, if the perpetrator acted with reckless disregard that the victim was an older citizen.

The provisions of HB 132:

- Increase the penalties for crimes against the elderly one level. For example, assault in the fourth degree, a class A misdemeanor, would be a class C felony if the assault was committed to a person 65 years of age or older.

Ask for your consideration and support of HB 132 to better protect the older citizens of our state.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAINS • PALMER • PETERS CREEK

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Frank H. Murkowski, Governor

P.O. BOX 110300
DIMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907)465-3600
FAX: (907)465-6735

Sectional Analysis of CS HB 132 (JUD) Crimes Against Seniors

(Prepared by the Department of Law, March 4, 2005)

CS HB 132 (JUD) would increase the penalties for certain offenses committed against persons 65 or older.

Sec. 1: Intent and findings. Section 1 sets out the intent and findings.

Sec. 2: Increase in penalty for certain crimes against seniors. Section 2 adds a new chapter regarding enhanced penalties, and a new section regarding penalties for crimes against the elderly. The seriousness of the offense is raised one level if the offender committed the offense with reckless disregard that the victim was a person 65 years of age or older. For example, assault in the fourth degree, normally a class A misdemeanor, would be a class C felony if the offender acted with reckless disregard that the victim was 65 years of age or older.

Sec. 3: Applicability. Section 3 makes the changes set out in sec. 2 applicable to offenses committed on or after July 1, 2005.

Sec. 4: Effective date. Section 4 sets out an effective date of July 1, 2005.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



February 23, 2005

The Honorable Lesil McGuire, Chair
House Judiciary Committee
Alaska State Capitol, Room 118
Juneau, Alaska 99801-1182

RE: HB 132 (Stoltze)--Support

Dear Chair McGuire:

On behalf of the AARP members in Alaska, we ask that you and your colleagues on the House Judiciary Committee support HB 132, authored by Representative Bill Stoltze and co-sponsored by you.

The intent of HB 132 is to increase the penalties for some crimes committed against a victim over 65 years of age. This includes crimes like burglary as well as fraud and identity theft. Crime can have more severe consequences for older people than for younger persons, including injuries that may need medical attention. Although violent crime receives the most media attention, fraud and identity theft are becoming increasingly more serious and more prevalent and older people are often the targets. The loss of even modest amounts of money may be devastating to a retired victim living on a low, fixed income.

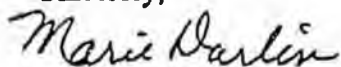
Older people experience the lowest rates of violent crime among all age groups. However, the fear of crime adversely affects the behavior of many older people, and national surveys show that older people protect themselves by leaving their homes less often than younger persons. According to AARP's research, one-third of people age 50 and older avoid going out at night because they are concerned about crime.

We believe HB 132 may have some impact to deter those who prey on older victims, whether through violent crime, property crime, or fraud and identity theft. Any lessening of crime among older persons will help restore their freedom and help prevent them from becoming prisoners in their own homes.

Should you have any questions about our position, please feel free to contact me or Patrick Luby (907-762-3314), AARP Alaska Advocacy Director.

Thank you for your consideration.

Sincerely,



Marie Darlin, Coordinator
Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Representative Tom Anderson
Representative Nancy Dahlstrom
Representative John Coghill
Representative Pete Kott
Representative Les Gara
Representative Max Gruenberg
Representative Bill Stoltze

Rep. Tom Anderson
Rep. Nancy Dahlstrom
Rep. John Coghill
Rep. Pete Kott
Rep. Les Gara
Rep. Max Gruenberg
Rep. Bill Stoltze

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Thecla LaLonde, Member
Wrangell

Pres. Wrangell Chapter

March 18, 2005

Representative Bill Stoltze
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Stoltze:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 132, relating to crimes against the elderly.

The APOA Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

This bill increases the penalties for certain crimes committed against the elderly. The number of elderly is on the rise in Alaska and with that the number of elderly victims is increasing. This legislation acknowledges the growing crime against the elderly, and the serious effects the elderly suffer as a result of those crimes.

Thank you for addressing this issue. Please contact the APOA office in Anchorage at (907) 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Angella Long", written over a horizontal line.

Angella Long
State President