

SB

218

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FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB218CS(FIN)-DPS-CRI-3-6-06
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: An Act relating to periodic polygraph examinations RDU: Statewide Services
for sex offenders and an increase in sentencing Component: Criminal Records and ID
Sponsor: Senator Bunde
Requester: House Finance Committee Component No. 1190

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) 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)

Section two adds new language that makes it a class A misdemeanor if a person fails to report a sex offender or child kidnapper to the Department of Public Safety (DPS). Failure to notify the department about the location of that individual is also treated as a crime.

Section 13 requires DPS to provide information on the Sex Offender Registration Central Registry website as to how members of the public using the website may access or compile information relating to sex offenders or child kidnappers for a particular geographic area on a map. This information may direct the public to mapping programs available on the Internet and to websites where information contained in the registry has already been converted to a map or geographic format.

This legislation will not have a fiscal impact to the department.

Prepared by: Director David Schade
Division: Statewide Services
Approved by: Commissioner William Tandesko
Agency: Department of Public Safety

Phone 907-269-0202
Date/Time 3/6/06 3:33 PM
Date 3/6/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 218 (JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title "An act relating to sex offenders; relating to RDU Probation and Parole
reporting of sex offenders and child kidnappers; relating to . . ." Component Statewide Probation and Parole
Sponsor Senators Bunde
Requester Senate Judiciary, Finance Component No. 2826

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	138.8	277.6	*	*	*
Travel	0.0	12.0	48.0	*	*	*
Contractual	0.0	26.4	105.6	*	*	*
Supplies	0.0	18.6	46.8	*	*	*
Equipment	0.0			*	*	*
Land & Structures	0.0			*	*	*
Grants & Claims	0.0			*	*	*
Miscellaneous	0.0			*	*	*
TOTAL OPERATING	0.0	195.8	478.0	*	*	*

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

1002 Federal Receipts	0.0			*	*	*
1003 GF Match	0.0			*	*	*
1004 GF	0.0	195.8	478.0	*	*	*
1005 GF/Program Receipts	0.0			*	*	*
1037 GF/Mental Health	0.0			*	*	*
Other (Specify Type--Do not abbreviate)	0.0			*	*	*
TOTAL	0.0	195.8	478.0	*	*	*

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	0	2	4	*	*	*
Part-time	0	0	0	*	*	*
Temporary	0	0	0	*	*	*

ANALYSIS: (Attach a separate page if necessary)

The sections of the legislation relating to periodic polygraph testing of all sex offenders releasing on probation or parole supervision will have a fiscal impact on the Division of Probation & Parole. In FY08 and FY09, the department will require two additional probation/parole officers each year to handle the increasing workload associated with managing sex offender specific caseloads. With the addition of the polygraph examination being used as a tool with more and more sex offenders in community sex offender treatment and on supervision, a corresponding increase in workload for the supervising officers will result. In the interest of public safety and because of the extreme danger sex offenders pose to the community, especially to children and vulnerable adults, and due to the increase in workload per sex offender, it is the intent of the department to cap sex offender caseloads at 50 sex offenders per supervising officer.

Prepared by: Sharleen Griffin, Acting Director
Division: Administrative Services
Approved by: Portia C.K. Parker, Deputy Commissioner
Agency: Department of Corrections

Phone (907) 465-3460
Date/Time 2/28/06 10:08 AM
Date 2/28/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 218(JUD)
(S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An Act relating to periodic polygraph examinations RDU Alaska State Troopers
for sex offenders and an increase in sentencing Component AST Detachments
Sponsor Senator Bunde
Requester Senate Judiciary Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) 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)

The first section of this bill provides for the implementation and continued use of periodic polygraph examinations as a condition of probation or parole for sex offenders. This provision will have little or no impact to the Department of Public Safety, but will directly impact the Department of Corrections.

This bill also significantly increases sentences for convictions under sexual assault and sexual abuse. When a defendant is faced with a longer term of imprisonment, it is reasonable to expect that they may mount a more aggressive defense. It is difficult to predict if extra court testimony will be required as a result of this legislation or whether it increases the complexity of an investigation. At this juncture the department will absorb any unforeseen expenses associated with this legislation.

Prepared by: Lieutenant James Helgoe Phone 907-269-4532
Division Alaska State Troopers Date/Time 1/18/06 4:23 PM
Approved by: Commissioner William Tandeske Date 1/18/2006
Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 218(JUD)
(S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to periodic polygraph examinations... RDU Legal and Advocacy Services
Component Public Defender Agency
Sponsor Senator Bunde
Requester (S) Finance Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This act increases the periodic presumptive sentencing ranges for a certain sex offense; this includes a 99-year mandatory penalty for individuals with two prior sex felony convictions. This bill also requires individuals convicted of sex offenses to submit to a polygraph examination.

Due to the penalty increases, this bill will likely result in pressures that tend to increase criminal trials and increase the work necessary to prepare a case for trial or plea negotiation, thus putting an upward pressure on our case costs. The increased pressure, however, is indeterminate but may be mitigated by factors external to the Office of Public Advocacy, such as an offsetting plea bargaining policy. The Office of Public Advocacy, therefore, submits an indeterminate fiscal note.

Prepared by: Joshua P. Fink, Director Phone 907.269-3500
Division Office of Public Advocacy Date/Time 1/18/06 12:16 p.m.
Approved by: Mike Tibbles, Deputy Commissioner Date _____
Agency Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSSB 218(JUD)
(S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title: "An Act relating to periodic polygraph
examinations for sex offenders released on probation..." RDU: CRIMINAL
Sponsor: Senator Bunde Component: Criminal Justice Litigation
Requester: Senate Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	*****	*****	*****	*****	*****	*****
Travel	*****	*****	*****	*****	*****	*****
Contractual	*****	*****	*****	*****	*****	*****
Supplies	*****	*****	*****	*****	*****	*****
Equipment	*****	*****	*****	*****	*****	*****
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

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	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill significantly increases presumptive sentencing for convicted sexual offenders. Passage of this legislation will have a fiscal impact on the Department of Law because convicted offenders will be less likely to plead to charges and will instead be willing to risk a jury trial as a result of facing much longer prison sentences than is reflected in current legislation. The fiscal impact is difficult to measure with any precision.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
Division: Administrative Services Division Date/Time 1/18/06 1:21 PM
Approved by: Kathryn Daughhete for David Marquez, Attorney General Date 1/18/2006
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSSB 218(FIN)
(S) Publish Date: 2/9/06

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Criminal Sentencing and Polygraphs RDU Alaska Court System
Component Trial Courts
Sponsor Senator Bunde
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING

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

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Judiciary Committee Substitute for SB 218 significantly increases the presumptive sentences for those convicted of sexual offenses. It is likely that the longer sentences will increase a defendant's willingness to go to trial. Although the additional costs associated with those trials will fiscally impact the court system, the extent of the impact is too speculative to support a fiscal note.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 1/26/06 @ 9:00 am
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 1/26/2006
Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: CSSB 218(FIN)
(S) Publish Date: 2/9/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An Act relating to periodic polygraph examinations... RDU: Legal and Advocacy Services
Component: Public Defender Agency
Sponsor: Senator Bunde
Requester: (S) Finance Component No.: 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This act increases the sentencing ranges for sex offenses, and includes a 99-year mandatory penalty for individuals with two prior sex felony convictions, and a polygraph examination requirement. It also creates a new felony for failing to report a person who is not compliant with the offender registration act.

This bill will result in an increase in cases due to the new crime. It will also create pressures that tend to increase criminal trials and increase the work necessary to prepare a case for trial or plea negotiation, thus putting an upward pressure on our case costs. The increased pressure and new case loads are, however, indeterminate and may be mitigated by factors external to the Public Defender Agency, such as an offsetting plea bargaining policy. The Agency, therefore, submits an indeterminate fiscal note.

Prepared by: Quinlan Steiner, Director
Division: Public Defender Agency
Approved by: Mike Tibbles, Deputy Commissioner
Agency: Administration

Phone: 907.334.4414
Date/Time: 1/28/06 5:30 p.m.
Date: _____

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 7
Bill Version: CSSB 218 (FIN)
(S) Publish Date: 2/9/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title: "An act relating to sex offenders; relating to reporting of sex offenders and child kidnappers; relating to . . ." RDU: Institutional Facilities
Sponsor: Senators Bunde Component: Institution Director's Office
Requester: Senate Judiciary, Finance Component No.: 1381

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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	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	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	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The Department of Corrections, Division of Institutions does not anticipate a significant fiscal impact during the first three years following enactment. For years beyond FY2009, there will be a cost to the department due to the increase in the length of sentences for sexual offenders, but it cannot be determined with any precision.

In an attempt to determine the potential impact on the Department of Corrections (DOC), the department's research section investigated the re-offense rates of sex offenders in the department's custody. The research section reported that there were 927 sex offenders in DOC custody on January 24, 2006.

(Continued on Page 2)

Prepared by: Sharon Griffin, Acting Director Phone: (907) 465-3460
Division: Administrative Services Date/Time: 1/26/06 2:44 PM
Approved by: Portia C.K. Parker, Deputy Commissioner Date: 1/26/2006
Agency: Department of Corrections

FISCAL NOTE # 7

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. CSSB 218(FIN)

ANALYSIS CONTINUATION

Number of the 927 sex offenders in Alaska DOC custody on January 24, 2006 who are repeat offenders (in the department's custody previously for any reason):

- Sex offenders in DOC custody	927	100%
- Number/Percent of sex offenders in DOC custody previously (repeat offenders)	863	93%
- Average number of times admitted to DOC custody	11.75 times	
- Number/Percent admitted to DOC 10 or more times (863=100%)	358	41%

Major offenses committed when admitted to DOC custody (927 sex offenders):

- Sex Offenses	47%
- Parole/Probation Violations	16%
- Assaults	10%
- Theft/Burglar/Larceny	8%
- Other crimes against persons	7%
- Alcohol	3%
- Drugs	2%
- Traffic	1%
- All other crimes	6%

Given the high re-offense rates of sex offenders in the department's custody, it is likely that many of the sex offenders who would receive substantially longer sentences under the provisions of this legislation already would spend a significant amount of time involved with Alaska's criminal justice system, including the Department of Corrections. The department believes that there will be an increased cost due to the lengthening of sentences for sexual offenders, but at this time those potential costs cannot be accurately determined.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 8
Bill Version: CSSB 218(FIN)
(S) Publish Date: 2/9/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title: "An act relating to sex offenders; relating to RDU: Administrative Services & Support
reporting of sex offenders and child kidnappers; relating to . . ." Component: Offender Habilitation Programs
Sponsor: Senators Bunde
Requester: Senate Judiciary, Finance Component No.: 2751

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0				.	.
Travel	0.0				.	.
Contractual	0.0	622.3	1,124.5	1,642.0	.	.
Supplies	0.0				.	.
Equipment	0.0				.	.
Land & Structures	0.0				.	.
Grants & Claims	0.0				.	.
Miscellaneous	0.0				.	.
TOTAL OPERATING	0.0	622.3	1,124.5	1,642.0	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	0.0				.	.
1003 GF Match	0.0				.	.
1004 GF	0.0	622.3	1,124.5	1,642.0	.	.
1005 GF/Program Receipts	0.0				.	.
1037 GF/Mental Health	0.0				.	.
Other (Specify Type--Do not abbreviate)	0.0				.	.
TOTAL	0.0	622.3	1,124.5	1,642.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0 0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Sections of the legislation requiring regular periodic polygraph examinations of all sex offenders releasing on probation or parole will have a fiscal impact on the Department following the effective date of the applicable sections, specifically July 1, 2007. Regular periodic polygraph examinations used in conjunction with community sex offender treatment and sex offender specific supervision, often referred to as the Containment Model, is best practice in the field of sex offender management. The fiscal impact on Offender Habilitation Programs will be phased in over a three year period beginning in FY08 as offenders gradually are released with the new parole/probation conditions. It is assumed that 50% of releasing sex offenders will pay for community sex offender treatment and polygraph examinations, and the Department will pay for the other 50% of releasing sex offenders. (continued on page 2).

Prepared by: Sharleen Griffin, Acting Director Phone: (907) 465-3460
Division: Administrative Services Date/Time: 2/1/06 4:21 PM
Approved by: Portia C.K. Parker, Deputy Commissioner Date: 2/1/2006
Agency: Department of Corrections

ANALYSIS CONTINUATION

For years FY11 and beyond, it is difficult to estimate additional costs, if any, due to the fact that there could be more or there could be fewer sex offenders releasing on supervision for a variety of reasons, including the potential impact of the proposed new sentencing penalties contained in this legislation. Therefore, for years FY11 and beyond the fiscal impact is indeterminate.

FISCAL DETAILS AND ASSUMPTIONS:

Sex Offenders on Supervision by Location (January 2006):

Anchorage	370
Barrow	3
Bethel	104
Dillingham	8
Fairbanks	79
Juneau	60
Kenai	43
Ketchikan	31
Kodiak	11
Kotzebue	14
Nome	20
Palmer	58
Sitka	13
Institutions	120 (probation/parole violations or new crimes and pending action)
TOTAL	934

Average Number of Sex Offenders Per Year:

- 900 - Number of Sex Offenders on Supervision (Average)
- 100 - Sex Offenders in Existing Programs (Containment Model Project)
- 400 - Sex Offenders Self Paying
- 400 - Sex Offenders State Paying

COMMUNITY SEX OFFENDER TREATMENT:

FY2008 - 1/3 of the 400 offenders

\$276,618	Anchorage (108)
\$74,856	Juneau (12)
\$24,553	Kenai (7)
<u>\$15,345</u>	Ketchikan (5)
\$391,372	Total (132)

FY2009 - 2/3 of the 400 offenders

\$553,236	Anchorage (216)
\$149,712	Juneau (24)
\$49,106	Kenai (14)
<u>\$30,690</u>	Ketchikan (10)
\$782,744	Total (264)

FY2010 - All of the 400 offenders

\$838,237	Anchorage (328)
\$226,836	Juneau (36)
\$74,403	Kenai (21)
<u>\$46,500</u>	Ketchikan (15)
\$1,185,976	Total (400)

ANALYSIS CONTINUATION

POLYGRAPH EXAMINATIONS:

\$200 Cost Per Polygraph
\$800 Cost per Sex Offender (4 Polygraphs per Year)

FY2008 - 1/3 of the 400 offenders

132 Number of offenders
\$800 Cost per Sex Offender (4 Polygraphs per Year)

\$105,600 Polygraph Treatment
\$5,780 5% CPI on Contract
\$10,000 Travel (\$10,000 per Community not including Anchorage)
\$230,880 TOTAL FY2008

FY2009 - 2/3 of the 400 offenders

264 Number of offenders
\$800 Cost per Sex Offender (4 Polygraphs per Year)

\$211,200 Polygraph Treatment
\$10,560 5% CPI on Contract
\$120,000 Travel (\$10,000 per Community not including Anchorage)
\$341,760 TOTAL FY2009

FY2010 - All of the 400 offenders

400 Number of offenders
\$800 Cost per Sex Offender (4 Polygraphs per Year)

\$320,000 Polygraph Treatment
\$16,000 5% CPI on Contract
\$120,000 Travel (\$10,000 per Community not including Anchorage)
\$456,000 TOTAL FY2010

Notes:

*No Change in Revenues - Sex Offenders Self Paying will continue to, or begin to, pay up front.
Community Treatment varies in length - Average is 2 years*

TOTAL POLYGRAPH & COMMUNITY TREATMENT (STATE COST ONLY):

FY 2008 \$622,252
FY 2009 \$1,124,504
FY 2010 \$1,641,976

*Adopted
1/4/06*

AMENDMENT

11

*Hawker/
Kerthula*

OFFERED IN THE HOUSE

TO: HCS CSSB 218(), Draft Version "U"

1 Page 1, lines 1 - 2:

2 Delete "relating to reporting of sex offenders and child kidnappers;"

3

4 Page 3, lines 10 - 23:

5 Delete all material.

6

7 Renumber the following bill sections accordingly.

8

9 Page 10, line 28:

10 Delete "Sections 1 - 3, 5 - 8, and 12"

11 Insert "Sections 1 - 2, 4 - 7, and 11"

12

13 Page 10, line 30:

14 Delete "secs. 5 and 7"

15 Insert "secs. 4 and 6"

16

17 Page 10, line 31:

18 Delete "Sections 4 and 11"

19 Insert "Sections 3 and 10"

20

21 Page 11, line 2:

22 Delete "Sections 4 and 11"

22 Insert "Sections 3 and 10"

1

2 Page 11, line 3:

3 Delete "sec. 15"

4 Insert "sec. 14"

3/7

AMENDMENT

1 Meyer
passed

OFFERED IN THE HOUSE
TO: CSSB 218 (FIN)

Page 3, lines 18 -21:

Delete subsection (b)

Insert:

(b) This statute does not apply if any of the circumstances or conduct establishing the offense relate to an attorney-client relationship with the sex offender or child kidnapper.

The defendant may file notice pre-trial that sub-section (b) applies. The notice merely requires that a good faith basis for its filing exist. The defendant may request a pre-trial ruling by the Judge, or may request a jury determination, or both. The State has the burden to prove beyond a reasonable doubt that sub-section (b) does not apply.

Withdrawn
3/31/06

24-LS1307\U.11
Luckhaupt
3/31/06

AMENDMENT

12 Hawker/
Kerttula

OFFERED IN THE HOUSE

TO: HCS CSSB 218(), Draft Version "U"

- 1 Page 3, line 14:
- 2 Delete "recklessly"
- 3 Insert "knowingly"
- 4
- 5 Page 3, line 15:
- 6 Delete "and"
- 7
- 8 Page 3, following line 15:
- 9 Insert a new paragraph to read:
- 10 "(2) knows the location of that sex offender or child kidnapper; and"
- 11
- 12 Renumber the following paragraph accordingly.
- 13
- 14 Page 3, line 16, following "the":
- 15 Insert "name and"

*with drawn
4-11-06*

24-LS1307U.8
Luckhaupt
3/13/06

AMENDMENT

#13

OFFERED IN THE HOUSE

BY REPRESENTATIVE HAWKER

TO: HCS SB 218(), Draft Version "U"

- 1 Page 3, line 15:
- 2 Delete "and"
- 3
- 4 Page 3, following line 15:
- 5 Insert a new paragraph to read:
- 6 "(2) knows the location of that sex offender or child kidnapper; and"
- 7
- 8 Renumber the following paragraph accordingly.
- 9
- 10 Page 3, line 16, following "the":
- 11 Insert "name and"

adopted 3/7/06

24-LS1307U
Luckhaupt
3/6/06

HOUSE CS FOR CS FOR SENATE BILL NO. 218()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS BUNDE, Guess, Dyson, Elton, Kookesh, Green, Olson, Hoffman, Seekins
REPRESENTATIVES Neuman, Stoltze, Lynn

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sex offenders and child kidnappers; relating to reporting of sex
2 offenders and child kidnappers; relating to periodic polygraph examinations for sex
3 offenders released on probation or parole; relating to sexual abuse of a minor; relating
4 to the definitions of 'aggravated sex offense' and 'child kidnapping'; relating to penalties
5 for failure to report child abuse or neglect; relating to sentencing for sex offenders and
6 habitual criminals; and providing for an effective date."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 11.41.436(a) is amended to read:

9 (a) An offender commits the crime of sexual abuse of a minor in the second
10 degree if,

11 (1) being 17 [16] years of age or older, the offender engages in sexual
12 penetration with a person who is 13, 14, or 15 years of age and at least four [THREE]
13 years younger than the offender, or aids, induces, causes, or encourages a person who

1 is 13, 14, or 15 years of age and at least four [THREE] years younger than the
2 offender to engage in sexual penetration with another person;

3 (2) being 16 years of age or older, the offender engages in sexual
4 contact with a person who is under 13 years of age or aids, induces, causes, or
5 encourages a person under 13 years of age to engage in sexual contact with another
6 person;

7 (3) being 18 years of age or older, the offender engages in sexual
8 contact with a person who is under 18 years of age and the offender is the victim's
9 natural parent, stepparent, adopted parent, or legal guardian;

10 (4) being 16 years of age or older, the offender aids, induces, causes,
11 or encourages a person who is under 16 years of age to engage in conduct described in
12 AS 11.41.455(a)(2) - (6); [OR]

13 (5) being 18 years of age or older, the offender engages in sexual
14 contact with a person who is under 16 years of age, and

15 (A) the victim at the time of the offense is residing in the same
16 household as the offender and the offender has authority over the victim; or

17 (B) the offender occupies a position of authority in relation to
18 the victim;

19 (6) being 20 years of age or older, the offender engages in sexual
20 penetration with a person who is 16 or 17 years of age and at least four years
21 younger than the offender, and the offender occupies a position of authority in
22 relation to the victim; or

23 (7) being under 16 years of age, the offender engages in sexual
24 penetration with a person who is under 13 years of age and at least three years
25 younger than the offender.

26 * Sec. 2, AS 11.41.438(a) is amended to read:

27 (a) An offender commits the crime of sexual abuse of a minor in the third
28 degree if

29 [(1)] being 17 [16] years of age or older, the offender engages in
30 sexual contact with a person who is 13, 14, or 15 years of age and at least four
31 [THREE] years younger than the offender [;

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(2) BEING 18 YEARS OF AGE OR OLDER, THE OFFENDER ENGAGES IN SEXUAL PENETRATION WITH A PERSON WHO 'S 16 OR 17 YEARS OF AGE AND AT LEAST THREE YEARS YOUNGER THAN THE OFFENDER, AND THE OFFENDER OCCUPIES A POSITION OF AUTHORITY IN RELATION TO THE VICTIM; OR

(3) BEING UNDER 16 YEARS OF AGE, THE OFFENDER ENGAGES IN SEXUAL PENETRATION WITH A PERSON WHO IS UNDER 13 YEARS OF AGE AND AT LEAST THREE YEARS YOUNGER THAN THE OFFENDER].

* Sec. 3. AS 11.56 is amended by adding a new section to read:

Sec. 11.56.767. Failure to report sex offender or child kidnapper. (a) A person commits the crime of failure to report a sex offender or child kidnapper if the person

(1) recklessly disregards the fact that a sex offender or child kidnapper has not complied with the requirements of AS 11.56.840; and

(2) knowingly fails to report the location of that sex offender or child kidnapper to the Department of Public Safety.

(b) In a prosecution under (a) of this section, it is a defense that the defendant was a licensed attorney and there existed, at the time of the offense, a bona fide attorney-client relationship between the attorney and the sex offender or child kidnapper.

(c) Failure to report a sex offender or child kidnapper is a class A misdemeanor.

* Sec. 4. AS 12.55.100 is amended by adding a new subsection to read:

(e) While on probation and as a condition of probation for a sex offense, the defendant shall be required to submit to regular periodic polygraph examinations. In this subsection, "sex offense" has the meaning given in AS 12.63.100.

* Sec. 5. AS 12.55.125(i) is amended to read:

(i) A defendant convicted of

(1) sexual assault in the first degree or sexual abuse of a minor in the first degree may be sentenced to a definite term of imprisonment of not more than 99

1 years and shall be sentenced to a definite term within the following presumptive
2 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

3 (A) if the offense is a first felony conviction, ~~[AND]~~ does not
4 involve circumstances described in (B) of this paragraph, and the victim was

5 (i) less than 13 years of age, 25 to 35 years;

6 (ii) 13 years of age or older, 20 to 30 [EIGHT TO 12]

7 years;

8 (B) if the offense is a first felony conviction and the defendant
9 possessed a firearm, used a dangerous instrument, or caused serious physical
10 injury during the commission of the offense, 25 to 35 [12 TO 16] years;

11 (C) if the offense is a second felony conviction and does not
12 involve circumstances described in (D) of this paragraph, 30 to 40 [15 TO 20]
13 years;

14 (D) if the offense is a second felony conviction and the
15 defendant has a prior conviction for a sexual felony, 35 to 45 [20 TO 30]
16 years;

17 (E) if the offense is a third felony conviction and the defendant
18 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
19 to 60 [25 TO 35] years;

20 (F) if the offense is a third felony conviction, the defendant is
21 not subject to sentencing under (I) of this section, and the defendant has two
22 prior convictions for sexual felonies, 99 [30 TO 40] years;

23 (2) attempt, conspiracy, or solicitation to commit sexual assault in the
24 first degree or sexual abuse of a minor in the first degree may be sentenced to a
25 definite term of imprisonment of not more than 99 [30] years and shall be sentenced to
26 a definite term within the following presumptive ranges, subject to adjustment as
27 provided in AS 12.55.155 - 12.55.175:

28 (A) if the offense is a first felony conviction, ~~[AND]~~ does not
29 involve circumstances described in (B) of this paragraph, and the victim was

30 (i) under 13 years of age, 20 to 30 years;

31 (ii) 13 years of age or older, 15 to 30 [FIVE TO

1 EIGHT] years;

2 (B) if the offense is a first felony conviction, and the defendant
3 possessed a firearm, used a dangerous instrument, or caused serious physical
4 injury during the commission of the offense, 25 to 35 [10 TO 14] years;

5 (C) if the offense is a second felony conviction and does not
6 involve circumstances described in (D) of this paragraph, 25 to 35 [12 TO 16]
7 years;

8 (D) if the offense is a second felony conviction and the
9 defendant has a prior conviction for a sexual felony, 30 to 40 [15 TO 20]
10 years;

11 (E) if the offense is a third felony conviction, does not involve
12 circumstances described in (F) of this paragraph, and the defendant is not
13 subject to sentencing under (I) of this section, 35 to 50 [15 TO 25] years;

14 (F) if the offense is a third felony conviction, the defendant is
15 not subject to sentencing under (I) of this section, and the defendant has two
16 prior convictions for sexual felonies, 99 [20 TO 30] years;

17 (3) sexual assault in the second degree, sexual abuse of a minor in the
18 second degree, unlawful exploitation of a minor, or distribution of child pornography
19 may be sentenced to a definite term of imprisonment of not more than 99 [20] years
20 and shall be sentenced to a definite term within the following presumptive ranges,
21 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

22 (A) if the offense is a first felony conviction, five to 15 [TWO
23 TO FOUR] years;

24 (B) if the offense is a second felony conviction and does not
25 involve circumstances described in (C) of this paragraph, 10 to 25 [FIVE TO
26 EIGHT] years;

27 (C) if the offense is a second felony conviction and the
28 defendant has a prior conviction for a sexual felony, 15 to 30 [10 TO 14]
29 years;

30 (D) if the offense is a third felony conviction and does not
31 involve circumstances described in (E) of this paragraph, 20 to 35 [10 TO 14]

1 years;

2 (E) if the offense is a third felony conviction and the defendant
3 has two prior convictions for sexual felonies, 99 [15 TO 20] years;

4 (4) sexual assault in the third degree, incest, indecent exposure in the
5 first degree, possession of child pornography, or attempt, conspiracy, or solicitation to
6 commit sexual assault in the second degree, sexual abuse of a minor in the second
7 degree, unlawful exploitation of a minor, or distribution of child pornography, may be
8 sentenced to a definite term of imprisonment of not more than 99 [10] years and shall
9 be sentenced to a definite term within the following presumptive ranges, subject to
10 adjustment as provided in AS 12.55.155 - 12.55.175:

11 (A) if the offense is a first felony conviction, two to 12 [ONE
12 TO TWO] years;

13 (B) if the offense is a second felony conviction and does not
14 involve circumstances described in (C) of this paragraph, eight to 15 [TWO
15 TO FIVE] years;

16 (C) if the offense is a second felony conviction and the
17 defendant has a prior conviction for a sexual felony, 12 to 20 [THREE TO
18 SIX] years;

19 (D) if the offense is a third felony conviction and does not
20 involve circumstances described in (E) of this paragraph, 15 to 25 [THREE TO
21 SIX] years;

22 (E) if the offense is a third felony conviction and the defendant
23 has two prior convictions for sexual felonies, 99 [SIX TO 10] years.

24 * Sec. 6. AS 12.55.125(j) is amended to read:

25 (j) A defendant sentenced to a (1) mandatory term of imprisonment of 99
26 years under (a) of this section may apply once for a modification or reduction of
27 sentence under the Alaska Rules of Criminal Procedure after serving one-half of the
28 mandatory term without consideration of good time earned under AS 33.20.010, or (2)
29 definite term of imprisonment under (b) of this section may apply once for a
30 modification or reduction of sentence under the Alaska Rules of Criminal Procedure
31 after serving [THE GREATER OF (A)] one-half of the definite term [OR (B) 30

1 YEARS]. A defendant may not file and a court may not entertain more than one
2 motion for modification or reduction of a sentence subject to this subsection,
3 regardless of whether or not the court granted or denied a previous motion.

4 * Sec. 7. AS 12.55.125(l) is amended to read:

5 (l) Notwithstanding any other provision of law, a defendant convicted of an
6 unclassified or class A felony offense, and not subject to a mandatory 99-year
7 sentence under (a) of this section, shall be sentenced to a definite term of
8 imprisonment of [AT LEAST 40 YEARS BUT NOT MORE THAN] 99 years when
9 the defendant has been previously convicted of two or more most serious felonies
10 [AND THE PROSECUTING ATTORNEY HAS FILED A NOTICE OF INTENT TO
11 SEEK A DEFINITE SENTENCE UNDER THIS SUBSECTION AT THE TIME
12 THE DEFENDANT WAS ARRAIGNED IN SUPERIOR COURT]. If a defendant is
13 sentenced to a definite term under this subsection,

14 (1) imprisonment for the prescribed definite term may not be
15 suspended under AS 12.55.080;

16 (2) imposition of sentence may not be suspended under AS 12.55.085;

17 (3) imprisonment for the prescribed definite term may not be reduced,
18 except as provided in (j) of this section.

19 * Sec. 8. AS 12.55.125 is amended by adding a new subsection to read:

20 (o) Other than for convictions subject to a mandatory 99-year sentence, the
21 court shall impose, in addition to an active term of imprisonment imposed under (i) of
22 this section, a minimum period of (1) suspended imprisonment of five years and a
23 minimum period of probation supervision of 15 years for conviction of an unclassified
24 felony, (2) suspended imprisonment of three years and a minimum period of probation
25 supervision of 10 years for conviction of a class A or class B felony, or (3) suspended
26 imprisonment of two years and a minimum period of probation supervision of five
27 years for conviction of a class C felony. The period of probation is in addition to any
28 sentence received under (i) of this section and may not be suspended or reduced. Upon
29 a defendant's release from confinement in a correctional facility, the defendant is
30 subject to this probation requirement and shall submit and comply with the terms and
31 requirements of the probation.

1 * Sec. 9. AS 12.63.100(1) is amended to read:

2 (1) "aggravated sex offense" means

3 (A) a crime under AS 11.41.100(a)(3), or a similar law of
4 another jurisdiction, in which the person committed or attempted to commit a
5 sexual offense, or a similar offense under the laws of the other jurisdiction; in
6 this subparagraph, "sexual offense" has the meaning given in
7 AS 11.41.100(a)(3);

8 (B) a crime under AS 11.41.110(a)(3), or a similar law of
9 another jurisdiction, in which the person committed or attempted to commit
10 one of the following crimes, or a similar law of another jurisdiction:

11 (i) sexual assault in the first degree;

12 (ii) sexual assault in the second degree;

13 (iii) sexual abuse of a minor in the first degree; or

14 (iv) sexual abuse of a minor in the second degree; or

15 (C) a crime, or an attempt, solicitation, or conspiracy to commit
16 a crime, under AS 11.41.410, 11.41.434, or a similar law of another
17 jurisdiction or a similar provision under a former law of this state;

18 * Sec. 10. AS 12.63.100(2) is amended to read:

19 (2) "child kidnapping" means

20 (A) a crime under AS 11.41.100(a)(3), or a similar law of
21 another jurisdiction, in which the person committed or attempted to commit
22 kidnapping;

23 (B) a crime under AS 11.41.110(a)(3), or a similar law of
24 another jurisdiction, in which the person committed or attempted to commit
25 kidnapping if the victim was under 18 years of age at the time of the offense;
26 or

27 (C) a crime, or an attempt, solicitation, or conspiracy to commit
28 a crime, under AS 11.41.300, or a similar law of another jurisdiction or a
29 similar provision under a former law of this state, if the victim was under
30 18 years of age at the time of the offense;

31 * Sec. 11. AS 33.16.150(a) is amended to read:

1 (a) As a condition of parole, a prisoner released on special medical,
2 discretionary, or mandatory parole

3 (1) shall obey all state, federal, or local laws or ordinances, and any
4 court orders applicable to the parolee;

5 (2) shall make diligent efforts to maintain steady employment or meet
6 family obligations;

7 (3) shall, if involved in education, counseling, training, or treatment,
8 continue in the program unless granted permission from the parole officer assigned to
9 the parolee to discontinue the program;

10 (4) shall report

11 (A) upon release to the parole officer assigned to the parolee;

12 (B) at other times, and in the manner, prescribed by the board
13 or the parole officer assigned to the parolee;

14 (5) shall reside at a stated place and not change that residence without
15 notifying, and receiving permission from, the parole officer assigned to the parolee;

16 (6) shall remain within stated geographic limits unless written
17 permission to depart from the stated limits is granted the parolee;

18 (7) may not use, possess, handle, purchase, give, distribute, or
19 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
20 drug for which a prescription is required under state or federal law without a
21 prescription from a licensed medical professional to the parolee;

22 (8) may not possess or control a firearm; in this paragraph, "firearm"
23 has the meaning given in AS 11.81.900;

24 (9) may not enter into an agreement or other arrangement with a law
25 enforcement agency or officer that will place the parolee in the position of violating a
26 law or parole condition without the prior approval of the board;

27 (10) may not contact or correspond with anyone confined in a
28 correctional facility of any type serving any term of imprisonment or a felon without
29 the permission of the parole officer assigned to a parolee;

30 (11) shall agree to waive extradition from any state or territory of the
31 United States and to not contest efforts to return the parolee to the state;

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(12) shall provide a blood sample, an oral sample, or both, when requested by a health care professional acting on behalf of the state to provide the sample or samples, or an oral sample when requested by a juvenile or adult correctional, probation, or parole officer, or a peace officer, if the prisoner is being released after a conviction of an offense requiring the state to collect the sample or samples for the deoxyribonucleic acid identification system under AS 44.41.035;

(13) from a conviction for a sex offense shall submit to regular periodic polygraph examinations; in this paragraph, "sex offense" has the meaning given in AS 12.63.100.

* Sec. 12. AS 47.17.068 is amended to read:

Sec. 47.17.068. Penalty for failure to report. A person who fails to comply with the provisions of AS 47.17.020 or 47.17.023 and who knew or should have known that the circumstances gave rise to the need for a report, is guilty of a class A [CLASS B] misdemeanor.

* Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECTION TO DEPARTMENT OF PUBLIC SAFETY CONCERNING CENTRAL REGISTRY OF SEX OFFENDERS AND CHILD KIDNAPPERS. The Department of Public Safety shall provide on the Internet website that the department maintains for the central registry of sex offenders and child kidnappers information as to how members of the public using the website may access or compile the information relating to sex offenders or child kidnappers for a particular geographic area on a map. The information may direct members to mapping programs available on the Internet and to Internet websites where information contained in the registry has already been converted to a map or geographic format.

* Sec. 14. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. Sections 1 - 3, 5 - 8, and 12 of this Act apply to offenses committed on or after the effective date of this section. References to prior offenses or convictions in secs. 5 and 7 of this Act include offenses committed before, on, or after the effective date of this section. Sections 4 and 11 of this Act apply to persons on probation or

1 parole for offenses committed before, on, or after the effective date of this Act.

2 * Sec. 15. Sections 4 and 11 of this Act take effect July 1, 2007.

3 * Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect immediately under

4 AS 01.10.070(c).

Alaska State Legislature

DURING SESSION
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SENATOR CON BUNDE
District P

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VICE-CHAIR: SENATE FINANCE COMMITTEE
CHAIR: SENATE LABOR & COMMERCE COMMITTEE
MEMBER: LEGISLATIVE BUDGET & AUDIT COMMITTEE

Letter of Intent SENATE BILL 218 (CSSB Finance Version)

The Purposes And Rationale Underlying The Increase In Sentencing Ranges For Felony Sex Crimes In Alaska

Handwritten signature of Con Bunde in black ink.

Senator Con Bunde
Senate District P

Handwritten signature of Gretchen Guess in black ink.

Senator Gretchen Guess
Senate District J

Senate Bill 218 adopts longer sentences for, and closer supervision of, convicted sex offenders. These changes are appropriate in light of the following:

(1) Statistical studies about sexual assault and abuse in America, and more specifically, in Alaska;

(2) The growing body of knowledge about the actual number of victims per sex offender and the resistance of sex offenders to rehabilitative treatment;

(3) The purposes of criminal sentencing set out in AS 12.55.005 and *Chaney v. State*, 447 P.2d 441 (Alaska 1970);

(4) The principles of penal administration set out Article I, section 12 of the Alaska Constitution that gives precedence to protection of the public and community condemnation; and

(5) The rights of crime victims under Article I, section 24, of the Alaska Constitution.

Sexual assault and abuse in Alaska can be classified as a plague. Alaska has been ranked number one in the nation for 22 out of the last 29 years for sexual assault and abuse. Alaska has been number one in the nation for sexual assault since 1995.¹ In addition, Alaska has never been ranked below number five in the nation for sexual assaults per capita (forcible rapes per 100,000 residents) since 1976, when data collection began. The State currently has approximately 2.5 times the national average for sexual assault.¹ Alaska has about 4,300 registered sex offenders in our Alaskan communities.²

Even with startlingly high sex offense rates, sexual abuse and assault are still largely unreported crimes (only 16 percent of victims report the assault³); and arrest rates are also low (only 27 percent of reported sex crimes result in an arrest⁴). Therefore we can assume, the actual number of sex offenders in Alaska is significantly higher than 4,300 individuals.

¹ Uniform Crime Report, FBI, 2003

² Department of Public Safety Sex Offender Registry, 2006

³ Kilpatrick Rape in America Report, 1992

⁴ Snyder, 2000

Institutional treatment programs (cognitive-behavioral, relapse prevention and behavioral) provided to sex offenders both in other states and in Alaska have not proven to be particularly effective.⁵ Offenders who served time for sexual assault were four times as likely as those convicted of other crimes to be re-arrested for a new sexual assault. The more prior arrests an offender has, the greater their likelihood for being re-arrested for another sex crime.⁵

Forty-three percent of sex offenders re-offend within three years.⁶ Currently, 78.5 percent of sex offenders have at least one prior arrest and average 4.5 prior arrests.⁶ In Alaska, the statistics are even more startling: of the 927 convicted sex offenders in custody on January 24, 2006, 93 percent have at least one prior arrest; the average number of arrests per sex offender is 11.75; and more than 41 percent have been arrested ten or more times.⁷

Sex offenders average 110 victims and 318 offenses before being caught.⁸ Sex offenders admitted to 3.5 times the number of victims and 4.5 times the number of offenses when given a polygraph exam as compared to questioning without a polygraph. Offenders under polygraph examination also report an earlier age when they began offending than was previously known.⁹

Sex offenders go undetected for an average of 16 years,⁸ which explains how they can have so many victims. It also suggests that offenders begin raping when they are relatively young, and indeed the average age of onset of the criminal sexual behavior for offenders is between 12 and 16 years.⁸ Early detection and intervention in sex offenses committed by juveniles may be one promising way of addressing sex crimes generally, especially in the future. However, sex offenses committed by juveniles are a topic that is beyond the scope of Senate Bill 218, which deals with the immediate plague facing Alaska involving adult sex offenders.

⁵ Sex Offender Treatment Evaluation Project Report (SOTEP), January 2005

⁶ Langdon, Schmitt, and Durose "Recidivism of Sex Offenders Released from Prison in 1994", Bureau of Justice Statistics November, 2003

⁷ Alaska Department of Corrections, Research Section, January 2006

⁸ Ahlmeyer, Heil, McKee, and English "The Impact of Polygraph on Admissions of Crossover Offending Behavior in Adult Sexual Offenses", *Sexual Abuse: A Journal of Research and Treatment*, 12(2): 123-138, 2000

⁹ Wilcox and Sosnowski "Polygraph examination of British sexual offenders: A pilot study on sexual history disclosure testing", *Journal of Sexual Aggression*, 11(1), 3-25, 2005

The Alaska appellate courts have sometimes questioned whether decisions by the legislature in setting presumptive sentences were intended to achieve the results they did; in some instances the courts have reduced the presumptive sentence to avoid “anomalous” results.¹⁰ In the case of sentence ranges imposed by Senate Bill 218, the result of greatly increased sentences are, indeed, intended. The increased sentences in Senate Bill 218 are in recognition that the harm and severity of injury caused by sex offenses has been greatly under-recognized by the criminal justice system. Sex offenses are crimes of violence and much like domestic violence they are about power and control. The victims are typically vulnerable due to their age, incapacity or the offender’s position of authority. Sex offenses against young victims are particularly heinous and the sentences in Senate Bill 218 reflect the increased seriousness of choosing a young victim by increasing the sentencing ranges for the most serious offenses committed against victims less than 13 years of age.

In drafting Senate Bill 218, the conduct covered by each category of offense was carefully examined. Reclassification of conduct was considered, and for some offenses implemented. The sentencing ranges contained in Senate Bill 218 reflect the legislature’s view of the appropriate sentence for the cases involving the conduct described by the particular statute. The ranges are large enough to accommodate the wide-ranging types of conduct contained within these statutes – particularly in the B and C felony range.

In Senate Bill 218, the low end of the range for the most serious sex offenses is higher than the mandatory minimum or low end of presumptive sentences for some crimes that result in death.¹¹ This is intentional and not anomalous. Sex offenses cause great harm to victims, their families and to the entire community. Death has always been seen as the greatest harm that could be inflicted by an offender. But death can be caused by reckless conduct. Sex offenses are not reckless – they are at the very least knowing, and often intentional. The proportionality of the sentences imposed by Senate Bill 218 to other offenses in our criminal code was considered. The severity of the sentences in comparison to other crimes was intentional.

¹⁰ *New v. State*, 714 P.2d 378 (Alaska 1986), *Priett v. State*, 742 P.2d 257 (Alaska App. 1987), *Smith v. State*, 28 P.3d 323 (Alaska App. 2001) AS 12 55 005(1)

¹¹ AS 12 55 125 (b)

The “prior criminal history of the defendant and the likelihood of rehabilitation” is another recognized consideration in sentencing.¹² The sentence ranges in Senate Bill 218 start at increasingly higher levels when an offender has a prior record of both non-sex related felonies and sexual felonies. This change takes into account the decreased potential for rehabilitation with each successive conviction. It also recognizes the lack of effective treatment for most sex offenders.

The “need to confine the defendant to prevent further harm to the public” is a factor also considered by Senate Bill 218.¹³ The evidence that sex offenders have multiple victims and often do not respond to treatment supports the need for confinement to protect the public.

Another sentencing consideration is “the circumstances of the offense and the extent to which the offense harmed the victim or endangered the public safety or order.”¹⁴ Victims of sexual abuse and assault suffer from the effects of the crime for years. When sexually abused boys are not treated, it makes it more likely they will be involved in committing crimes, suicide, drug use and continued sexual abuse.¹⁵ Young girls who are sexually assaulted are more likely to abuse alcohol and drugs and are six times more likely to develop psychiatric disorders and 13 times more likely to attempt suicide.¹⁶

Although judges must take into account “the circumstances of the offense and the extent to which the offense harmed the victim” on a case-by-case basis in determining the specific sentence within a statutory range, in setting those ranges the legislature must take into account the harm to victims generally, and the extent which sex crimes impact the community as a whole. With the latter criteria and in light of the aforementioned statistics, we the Alaska State Legislature find sentences for sex offenses should be increased significantly.

¹² AS 12.55.005(2) and *Chaney*

¹³ AS 12.55.005(3)

¹⁴ AS 12.55.005(4)

¹⁵ Holmes, University of Pennsylvania School of Medicine

¹⁶ Rape in America Report to the Nation, 1992

The effect of sex offenses on the victim, and the victim's family, is enormous. But the effect on the fabric of society is no less important to consider in setting sentence ranges. In many places in Alaska, women are afraid to walk alone in their neighborhoods at night, or to let their children go to the park or the mall, because of fear that they too may become a victim. The estimated financial costs to society are also significant. In 2003, 521 victims reported sexual assault in Alaska. The National Institute of Justice estimates that the average cost of caring for each victim is \$86,500; thus every year Alaska spends about \$45 million on sexual assault victims.¹⁷

"The effect of the sentence to be imposed in deterring the defendant or other members of society from future criminal conduct" is also a consideration.¹⁸ The failure of treatment in rehabilitating most sex offenders provides little hope that longer sentences will deter future crimes. However, some categories of sex offenses, such as the teacher or coach who may be tempted to take advantage of a student, are more likely to be deterred by the threat of a long jail term. For most offenders the hope for deterrence in Senate Bill 218 is provided by the increased probation periods and the use of the polygraph while on probation or parole. The polygraph will help to provide an early warning system during supervision that will put the probation or parole officer on notice that corrective action is necessary due to signs of deception or offending behavior. The use of the polygraph should prevent at least some future victimization from occurring.

"Community condemnation," "reaffirmation of societal norms," and "restoration of the victim and the community" are the other recognized sentencing factors.¹⁹ There has been a public outcry recently over the failure of our criminal justice system to provide for the protection of the public from sex offenders. The community particularly condemns offenses against children. The increased sentences of Senate Bill 218 send the message to offenders and society: this behavior will not be tolerated nor accepted. The community has good reason to be shocked at the sobering statistics relating to sex offenses in Alaska, and to be outraged at the conduct underlying those offenses. Senate Bill 218 sets forth a sentencing scheme that sets a higher presumptive range, particularly for young victims. Although every sex

¹⁷ The National Institute of Justice

¹⁸ AS 12.55.005(5)

¹⁹ AS 12.55.005(6) and (7)

crime is heinous, the community particularly condemns those who prey on very young victims. Additionally, as indicated above, offenders who target young victims are more likely to re-offend. The increased sentences for offenders with young victims recognize these important sentencing factors – community condemnation, reaffirmation of societal norms and prospects for rehabilitation.

Finally, in enacting Senate Bill 218, it is recognized that there may be the “exceptional” case or circumstance that cries out for mercy. The criminal justice system often weeds these cases out in the referral and plea bargaining process. However, by application of existing statutory mitigating factors under AS 12.55.155, or by referral to the three-judge panel “safety net” under AS 12.55.175, the courts of Alaska will be able to avoid manifestly unjust sentences in appropriate cases. At the same time, the citizens of Alaska will benefit from the increase in safety achieved by longer incarceration of sex offenders followed by enhanced supervision using the polygraph.

Senator Con Bunde
Senator Gretchen Guess



Alaska State Legislature
Senator Con Bunde
Senate District P

Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee

Sponsor Statement for SB 218

"An Act relating to periodic polygraph examinations for sex offenders released on probation or parole and to sentencing for sex offenders and habitual criminals."

Senate Bill 218 increases sentencing times for the most egregious Unclassified and Class A sexual felonies to a minimum sentence of 25 years. It also restructures and increases the sentencing for Class B and Class C sexual offences. SB 218 requires periodic polygraph testing for sex offenders on probation and implements needed changes in sex offender registering and reporting. This bill is necessary not only to ensure Alaska is part of the national effort to curb sexual abuse and violence against children, but also to combat our ever-increasing sexual assault rates in this state.

According to the Federal Bureau of Investigation (FBI) Uniform Crime Report (UCR), *Alaska has the highest per capita rate of reported rapes* ("rapes" in this case refer to child sexual abuse as well as adult assaults). We have held that title for 20 out of the last 27 years (UCR). Alaska's per capita rape rate is nearly 71% greater than that of the next highest state.

To date, we have 4300 registered sex offenders in our Alaskan communities. However, sexual abuse reporting rates are low (16% of victims report the assault, *Kilpatrick Rape in America Report*, 1992) and arrest rates are also low (27% of reported sex crimes result in an arrest, Snyder, 2000). Thus, the number of sex offenders in Alaska is most likely significantly higher than 4300 individuals.

While there is no record of any sex offender treatment or therapy having significant effects on recidivism rates (SOTEP Report, 1995), there are steps we can take in this state to reduce sexual abuse and assault. Longer sentences work. By ensuring that the most dangerous offenders are kept away from our children, sexual assault numbers will eventually go down. Regular polygraph testing for all sexual offenders has also been proven to have an effect on sexual behavior. Supervision of sex offenders with polygraph tests led to a 69% compliance with probation requirements, while supervision without polygraph tests led to a 26% compliance rate (Abrams and Ogard, 1986). Requiring a probation period as part of a sentence, along with mandating regular polygraph tests will make our State safer.

This legislation is imperative to changing our position as the number one state in the nation for sexual assault and sexual abuse and providing a safer place for our residents. I urge your support.



Spirit Village Inc.

February 21, 2006

The Honorable Mike Chenault
Chair, House Finance
State Capitol
Juneau, Alaska 99801

RE: SB 218 "An Act relating to periodic polygraph examinations for sex offenders released on probation or parole and to sentencing for sex offenders and habitual criminals"

Dear Representative Chenault:

Spirit Village, Inc. is a non-profit corporation organized to promote facilities and programming for re-entry of prison inmates back into the Alaska community and for the promotion of the establishment of corrections facilities to house all prisoners within the state of Alaska. With this in mind, our organization is interested in all aspects of the management of corrections activities within the state of Alaska.

Our board of directors attention has been drawn to SB 218 and the requirements of polygraph testing of sexual offenders who are under the direct supervision of the department of corrections within the prisons, in halfway houses or on probation and parole. The polygraph testing is utilized as a rehabilitation tool to monitor and provide guidance to such persons and to protect the public. We support this requirement and believe that it is in the public interest.

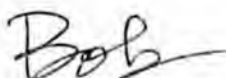
However, we believe that polygraph testing of sexual offenders should be undertaken by qualified examiners who have been trained and received certifications and continuing education to provide such examinations.

Towards this end, we recommend the standards and requirements of the American Polygraph Association - Academy and their program certification requirements for a post conviction sex offender polygraph course. Please find attached information on the association mission and goals. Additionally, we believe that persons administering such polygraph testing within or outside of the department of corrections must have such qualifications and certifications if they are going to be administering such tests. Please find attached a proposed amendment to page 6, line 19, section 13. We request that this amendment be included within this legislation. We are prepared to testify in support of the amendment.

Thanking you for this consideration.

Sincerely,

SPIRIT VILLAGE, INC.

A handwritten signature in cursive script, appearing to read "Bob", written in dark ink.

Robert W. Loescher
Board Member

(13) from a conviction for a sex offense shall submit to a periodic polygraph examinations preformed by a qualified person who has graduated from the American polygraph academy and has completed a post conviction sex offender polygraph course and is employed by the department of corrections or contracted by the department of corrections to undertake such examinations; in this paragraph, "sex offense" has the meaning given in AS 12.63.100.

Southcentral Foundation

March 3, 2006

Rep. Mike Chenault, Co-Chairman
Rep. Kevin Meyer, Co-Chairman
House Finance Committee
Alaska Legislature
Juneau, Alaska 99801

Via Facsimile

RE: CSSB 218(FIN), Criminal Sentencing and Polygraphs

Dear Co-Chairmen Chenault and Meyer:

Southcentral Foundation ("SCF") is a Tribal Organization that compacts with the Secretary of the U.S. Department of Health and Human Services under Title V of the Indian Self-Determination Act and Education Assistance Act ("ISDEAA") to carry out Indian Health Service programs for Alaska Natives and American Indians. After reviewing CSSB 218(FIN), SCF is concerned that the legislation, as currently drafted, will not have any impact upon lowering the incidence of sex crimes in Alaska and will also have a detrimental financial impact upon the State of Alaska, due to the tremendous costs associated with housing inmates over an extended period of time. Therefore, I am writing to urge the House Finance Committee to table the legislation for additional consideration.

I want to make clear that SCF is not attempting to minimize sexual assault crimes or the tremendous harm inflicted upon Alaskans by sex offenders. It is a large and difficult problem. However, SCF believes that there must be more time for analysis of the issues presented by CSSB 218(FIN), as well as the costs associated with this legislation. Furthermore, the Alaska Legislature must give the Alaska Native population more time to review CSSB 218(FIN), as well as additional opportunities to offer suggestions as to how the legislation should be amended to effectively address the ultimate purpose of the bill.

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(907) 729-4955 • Fax (907) 729-5000



For example, there is very little evidence to show that increased prison sentences have any impact on lowering the incidence of sexual offenses by deterring sex offenders from committing sex crimes in order to avoid increased prison sentences. Thus, increasing the mandatory minimum sentence may not provide significant protection to the public against sex offenders.

Sincerely,

SOUTHCENTRAL FOUNDATION



Katherine Gottlieb, MBA
President/CEO



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Con Bunde
Current Version: CSSB 218 (JUD)
Contact: Lauren Wickersham, 465-3881

Fact Sheet for: Senate Bill 218

Short Title: CRIMINAL SENTENCING AND POLYGRAPHS

Summary:

- Increases sentencing times for the most egregious Unclassified and Class A sexual felonies against a minor to a minimum sentence of 25 years.
- Increases sentencing for Unclassified and Class A sexual felonies against an adult to a minimum of 20 years.
- Restructures and increases sentencing for Class B and Class C sexual offenses.
- Requires periodic polygraph testing for sex offenders on probation and parole.
- Implements changes in sex offender registering and reporting.

Benefits:

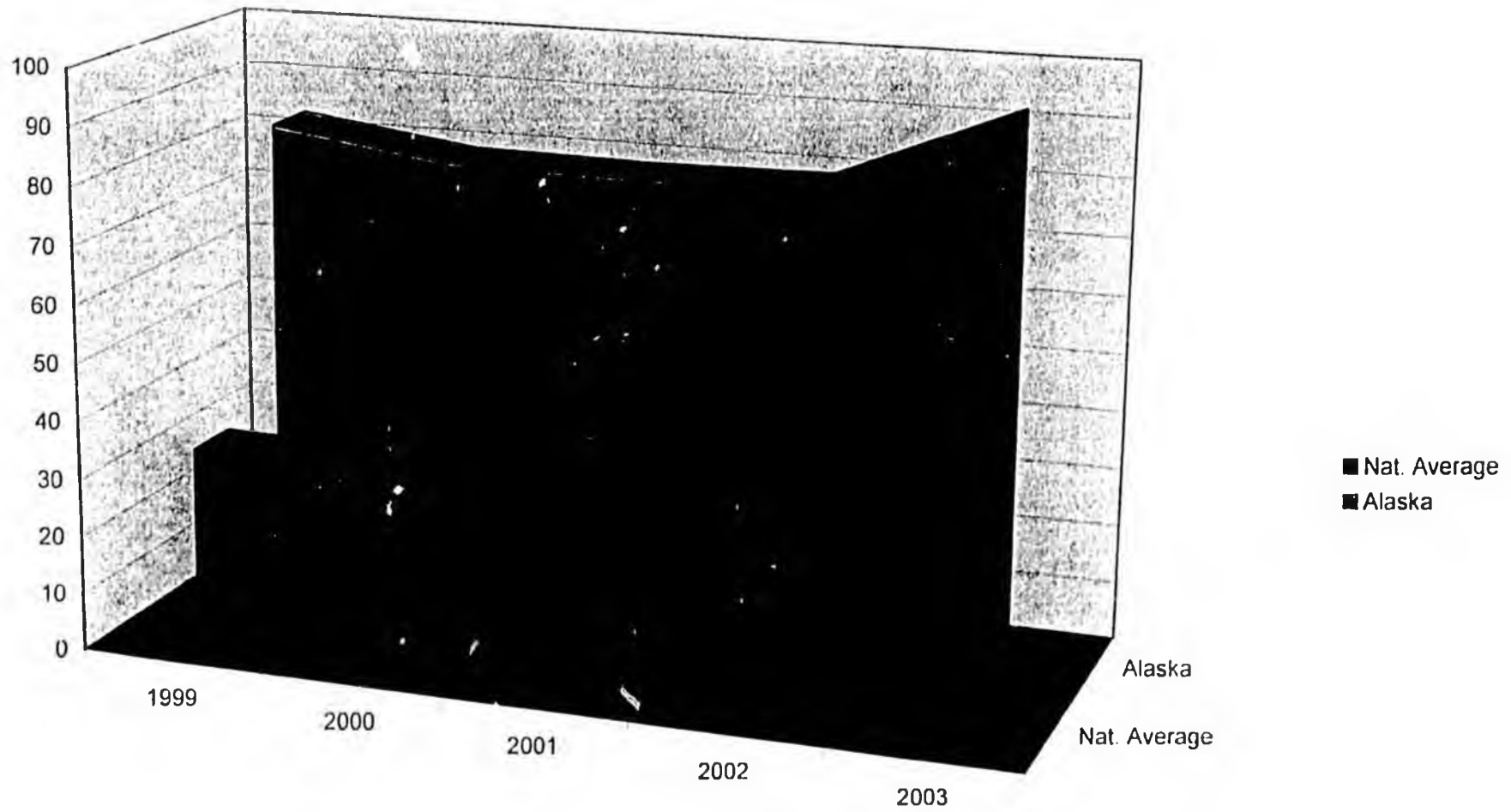
- Ensures Alaska is part of the national effort to curb sexual abuse and violence against children.
- Combats Alaska's ever-increasing sexual assault rates.
- Ensures, through longer sentences, that the most dangerous offenders are kept away from children, eventually decreasing sexual assault numbers.
- Increases compliance with probation requirements.

Background:

- According to the Federal Bureau of Investigation Uniform Crime Report, Alaska has the highest per capita rate of reported rapes ("rapes" in this case refer to child sexual abuse as well as assaults against adults). Alaska's per capita rape rate is nearly 71% greater than that of the next highest state. To date, Alaska has 4,300 registered sex offenders. However, sexual abuse reporting rates are low (16% of victims report the assault, Kilpatrick Rape in America Report, 1992) and arrest rates are also low (27% of reported sex crimes result in an arrest, Snyder, 2000). Thus, the number of sex offenders in Alaska is most likely significantly higher. While there is no record of sex offender treatment or therapy significantly affecting recidivism rates (SOTEP Report, 1995), steps can be taken to reduce sexual abuse and assault. Supervision of sex offenders with polygraph tests led to a 69% compliance with probation requirements, while supervision without polygraph tests led to a 26% compliance rate.

	First Felony	First Felony (special crimes)	Second Felony	Sex Felony with a prior sex felony	Third+ Felony	Sex Felony with two prior sex felonies	Max
Unclassified Sex Offense	(8 to 12) v< 13: 25 to 30 v>13: 20 to 30	weapon or serious injury (12 to 6) 25 to 30	(15 to 20) 30 to 40	(20 to 30) 35 to 45	(5 to 35) 40 to 60	(30 to 40) 99	99
A Felony Sex Offense	(5 to 8) v<13: 20 to 25 v>13: 15 to 25	weapon or serious injury (10 to 14) 25 to 35	(12 to 16) 25 to 35	(15 to 20) 30 to 40	(15 to 25) 35 to 50	(20 to 30) 99	(30) 99
B Felony Sex Offense	(2 to 4) 10 to 15 SFIN CS: 5-15	n/a	(5 to 8) 10 to 25	(10 to 14) 15 to 30	(10 to 14) 20 to 35	(15 to 20) 99	(20) 99
C Felony Sex Offense	(1 to 2) 1 to 12	n/a	(2 to 5) 8 to 15	(3 to 6) 12 to 20	(3 to 6) 15 to 25	(6 to 10) 99	(10) 99
<p>Numbers in parentheses are the current presumptive ranges and maximums</p> <p>Numbers in bold show the new presumptive ranges and new maximums</p>							

Forcible rapes per 100,000



	1999	2000	2001	2002	2003
■ Nat. Average	34.16538462	33.42692308	32.62115385	34.08846154	33.68846154
■ Alaska	83.5	79.3	78.9	79.4	92.5

Forcible Rapes in Western States, 2003

State	Population	Forcible Rapes	Rapes per 100,000 Inhabitants
Alaska	648,818	600	92.5
New Mexico	1,874,614	937	50.0
Washington	6,131,445	2,864	46.7
Colorado	4,550,688	1,893	41.6
Nevada	2,241,154	874	39.0
Utah	2,351,467	892	37.9
Idaho	1,366,332	508	37.2
Oregon	3,559,596	1,218	34.2
Arizona	5,580,811	1,856	33.3
Hawaii	1,257,608	367	29.2
California	35,484,453	9,994	28.2
Montana	917,621	246	26.8

Source: Federal Bureau of Investigation, *Uniform Crime Report*, Table 5: "Crime in the United States, by State, 2003;" available online at www.fbi.gov/ucr/03cius.htm.

Definitions

Sexual contact means knowingly touching, directly or through clothing, the victim's genitals, anus, or female breast; or knowingly causing the victim to touch, directly or through clothing, the defendant's or victim's genitals, anus, or female breast. Sexual contact does not include the following: 1) acts that may reasonably be construed to be normal caretaker responsibilities for a child, interactions with a child, or affection for a child; 2) acts performed for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the person being treated; or 3) acts that are a necessary part of a search of a person committed to the custody of the Department of Corrections or the Department of Health and Social Services. (AS 11.81.900 (58))

Sexual penetration means genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person's body into the genital or anal opening of another person's body. Each party to any of the acts described in this subparagraph is considered to be engaged in sexual penetration. Sexual penetration does not include the following: 1) acts performed for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical health of the person being treated; or 2) acts that are a necessary part of a search of a person committed to the custody of the Department of Corrections or the Department of Health and Social Services. (AS 11.81.900 (59))

Position of authority means an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, or a substantially similar position, and a police officer or probation officer other than when the officer is exercising custodial control over a minor. (AS 11.41.470)

Sexual act means sexual penetration or sexual contact. (AS 11.41.470)

Mentally incapable means suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person's conduct, including the potential for harm to that person. (AS 11.41.470)

Incapacitated means temporarily incapable of appraising the nature of one's own conduct or physically unable to express unwillingness to act. (AS 11.41.470)

Sec. 11.41.434. Sexual abuse of a minor in the first degree.

(a) An offender commits the crime of sexual abuse of a minor in the first degree if

(1) being 16 years of age or older, the offender engages in sexual penetration with a person who is under 13 years of age or aids, induces, causes, or encourages a person who is under 13 years of age to engage in sexual penetration with another person;

(2) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; or

(3) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 16 years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

Sec. 11.41.436. Sexual abuse of a minor in the second degree.

(a) An offender commits the crime of sexual abuse of a minor in the second degree if

(1) being 16 years of age or older, the offender engages in sexual penetration with a person who is 13, 14, or 15 years of age and at least three years younger than the offender, or aids, induces, causes or encourages a person who is 13, 14, or 15 years of age and at least three years younger than the offender to engage in sexual penetration with another person;

(2) being 16 years of age or older, the offender engages in sexual contact with a person who is under 13 years of age or aids, induces, causes, or encourages a person under 13 years of age to engage in sexual contact with another person;

(3) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian;

(4) being 16 years of age or older, the offender aids, induces, causes, or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.455

(a)(2) - (6); or

(5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 16 years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the second degree is a class B felony.

Sec. 11.41.438. Sexual abuse of a minor in the third degree.

(a) An offender commits the crime of sexual abuse of a minor in the third degree if

(1) being 16 years of age or older, the offender engages in sexual contact with a person who is 13, 14, or 15 years of age and at least three years younger than the offender;

(2) being 18 years of age or older, the offender engages in sexual penetration with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim; or

(3) being under 16 years of age, the offender engages in sexual penetration with a person who is under 13 years of age and at least three years younger than the offender.

(b) Sexual abuse of a minor in the third degree is a class C felony.

Sec. 11.41.440. Sexual abuse of a minor in the fourth degree.

(a) An offender commits the crime of sexual abuse of a minor in the fourth degree if

(1) being under 16 years of age, the offender engages in sexual contact with a person who is under 13 years of age and at least three years younger than the offender; or

(2) being 18 years of age or older, the offender engages in sexual contact with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the fourth degree is a class A misdemeanor.

Sec. 11.41.410. Sexual assault in the first degree.

(a) An offender commits the crime of sexual assault in the first degree if

(1) the offender engages in sexual penetration with another person without consent of that person;

(2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;

(3) the offender engages in sexual penetration with another person

(A) who the offender knows is mentally incapable; and

(B) who is in the offender's care

(i) by authority of law; or

(ii) in a facility or program that is required by law to be licensed by the state; or

(4) the offender engages in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim.

(b) Sexual assault in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

Sec. 11.41.420. Sexual assault in the second degree.

(a) An offender commits the crime of sexual assault in the second degree if

(1) the offender engages in sexual contact with another person without consent of that person;

(2) the offender engages in sexual contact with a person

(A) who the offender knows is mentally incapable; and

(B) who is in the offender's care

(i) by authority of law; or

(ii) in a facility or program that is required by law to be licensed by the state;

(3) the offender engages in sexual penetration with a person who the offender knows is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed; or

(4) the offender engages in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim.

(b) Sexual assault in the second degree is a class B felony.

Sec. 11.41.425. Sexual assault in the third degree.

(a) An offender commits the crime of sexual assault in the third degree if the offender

(1) engages in sexual contact with a person who the offender knows is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed;

(2) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment; or

(3) engages in sexual penetration with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person.

(b) Sexual assault in the third degree is a class C felony.

Sec. 11.41.427. Sexual assault in the fourth degree.

(a) An offender commits the crime of sexual assault in the fourth degree if

(1) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, the offender engages in sexual contact with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment; or

(2) the offender engages in sexual contact with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person.

(b) Sexual assault in the fourth degree is a class A misdemeanor.

Sec. 11.41.430. Sexual assault in the third degree. [Repealed, Sec. 10 ch 78 SLA 1983. For current law, see AS 11.41.420 (a)(2)].

Repealed or Renumbered

Sec. 11.41.432. Defenses.

(a) It is a defense to a crime charged under AS 11.41.410 (a)(3), 11.41.420(a)(2), 11.41.420(a)(3), or 11.41.425 that the offender is

(1) mentally incapable; or

(2) married to the person and neither party has filed with the court for a separation, divorce, or dissolution of the marriage.

(b) Except as provided in (a) of this section, in a prosecution under AS 11.41.410 or 11.41.420, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.



Forcible Rapes  Increased 21.7%

**Reported rapes in Alaska
increased 21.7% from 2000 to
2003**

Although greatly underreported, there were 521 reported forcible rapes and 54 reported attempted rapes in 2003.

There are approximately 4300 registered sex offenders in Alaska communities.

Alaska Dept. of Public Safety Uniform Crime Reporting

Only 16% of victims
in the
Rape in America
study reported
the rape.

Kilpatrick, et al., 1992. Medical University of South Carolina.
N=4008 *Rape in America: A Report to the Nation.*

Arrest Rates are Low

27% of reported
sex crimes resulted
in an arrest

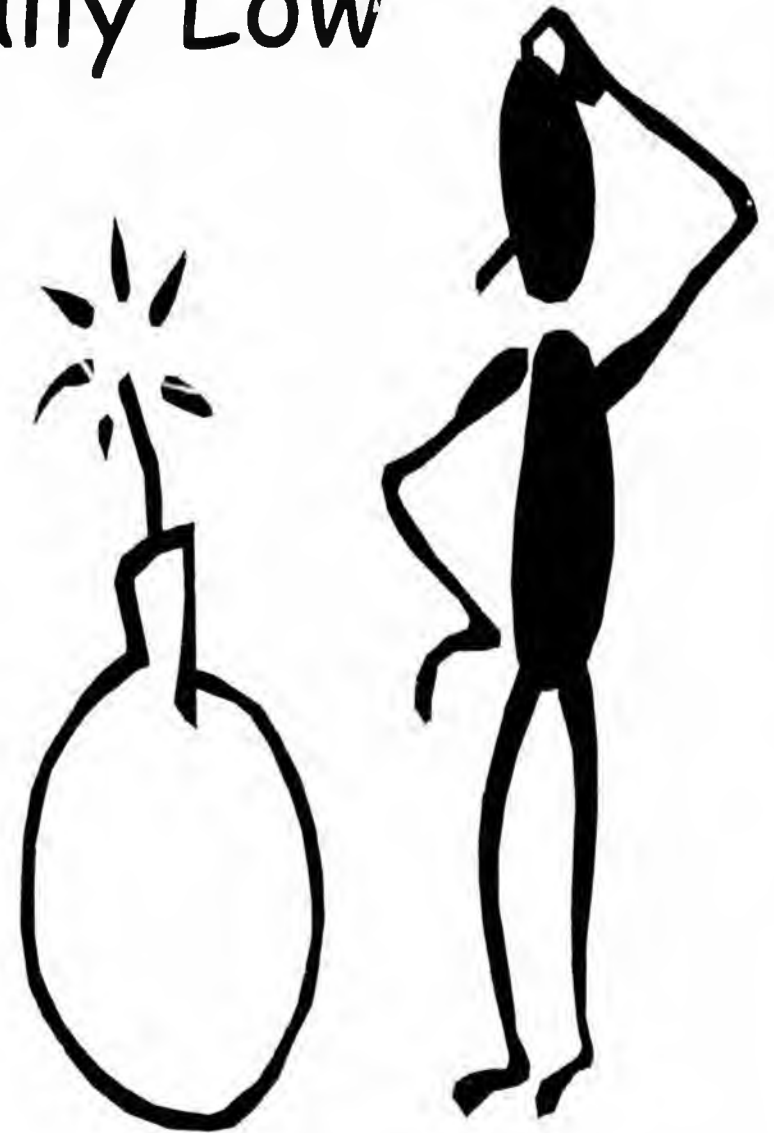


NIBRS 1991-1996, Snyder, 2000

In Colorado, between 1994-98, 54%-70% of those charged with a felony sex crime were convicted of a sex crime.

Sex Offender Recidivism Rates: Artificially Low

- Incest: 4-10%
- Rapists: 7-35%
- Child Molesters with female victims: 10-29%
- Child Molesters with male victims: 13-40%
- Exhibitionists: 41-71%



Crossover Admissions Pre & Post Polygraph N = 223

(Heil, Ahlmeyer, Simon, 2003)

Type of Crossover	Official records	Admissions after Treatment and polygraph testing
Both Adult & Child Victims	7.2%	70.0%
Both Male & Female Victims	8.5%	35.9%
Victims from 2 or more Relationship types	16.6%	79.8%

Secrets Revealed

Polygraph Research at the Colorado DOC Comparing Court Information v. Polygraph

	<u># of victims</u>	<u># of offenses</u>
Information at Sentencing	2 (1)	7 (1)
Sex History	83 (21)	394 (50)
1 st Polygraph	165 (24)	511 (95)
2 nd Polygraph	184 (26)	528 (95)

Alhmeyer et al., 2000, studied 35 sex offenders in treatment and polygraph testing at the CO Dept. of Corrections. Average admissions (median) of contact & noncontact offenses

Polygraph Research at the Colorado DOC

Comparing Court Information v. Polygraph

Admissions of Hands-on Crossover Offending

223 Sex Offenders Participating in SOTMP TC at the Colorado Department of Corrections

<u>Type of Crossover</u>	<u>Court</u>	<u>Polygraph</u>
Adult & Child Victims	7%	70%
Male & Female Victims	9%	36%
Multiple Relationships	20%	86%

Polygraph as a Deterrent



Abrams and Ogard, 1986

Studied the deterrent effect of polygraph on offenders on probation:

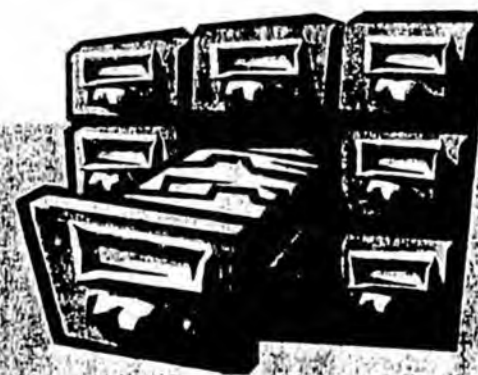
- Supervision **with** polygraph - **69%** successful compliance with probation
- Supervision **without** polygraph - **26%** successful compliance with probation

180 convicted sex offenders on probation and parole in TX, WI, OR

Current Conviction Crime: Incest

n=80

Ever assaulted:...



Assaulted strangers	35%
Assaulted from position of trust	57%
Assaulted adult victims	36%

Average Age of Onset

<u>Study</u>	<u>Type of Offender</u>	<u>Age of Onset</u>
Freeman-Longo(1985)	Rapist	18
	Child Molester	15
Elliot (1984)	Juvenile Rapists	16 peak
Emerick & Dutton(1993)	Juvenile Child Molesters	13 median
Ahlmeyer et al.(2000)	Inmates	12
English et al.(2001)	Supervised on Parole or Probation	12

Average Lag Time in Detection

<u>Study</u>	<u>Type of Offender</u>	<u># of Years</u>
Freeman-Longo (1985)	Rapist	6
	Child Molester	13
Elliot (1986)*	Paraphiliacs	10
Ahlmeyer et al.(2000)	Rapists and Child Molesters	16

Effects of a Relapse Prevention Program on Sexual Recidivism: Final Results From California's Sex Offender Treatment and Evaluation Project (SOTEP)

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Final results from a longitudinal investigation of the effectiveness of cognitive-behavioral treatment with sexual offenders are presented. The study was a randomized clinical trial that compared the reoffense rates of offenders treated in an inpatient relapse prevention (RP) program with the rates of offenders in two (untreated) prison control groups. No significant differences were found among the three groups in their rates of sexual or violent reoffending over an 8-year follow-up period. This null result was found for both rapists and child molesters, and was confirmed in analyses using time to reoffense as the outcome and those controlling for static risk differences across the groups. Closer examination of the RP group's performance revealed that individuals who met the program's treatment goals had lower reoffense rates than those who did not. Although our results do not generally support the efficacy of the RP model, they do suggest a number of ways in which this kind of treatment program can be improved. This study also emphasizes the importance of including appropriate control groups in treatment outcome research. Additional controlled investigations are needed to address the many questions that remain about when and how treatment works for sexual offenders.

KEY WORDS: randomized clinical trial; sexual offender treatment; relapse prevention; treatment outcome; recidivism.

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Fifteen years ago, Furby, Weinrott, and Blackshaw (1989) conducted a thorough review of existing studies of sexual offender treatment, and concluded that, "There is as yet no evidence that clinical treatment reduces rates of sex offenses in general and no appropriate data for assessing whether it may be differentially effective for different types of offenders" (p. 27). They also called upon researchers and funding agencies to devote the time and resources necessary to conduct methodologically sound investigations of sexual offender recidivism and efforts to reduce it through treatment.

Since that time, dozens of outcome studies have been completed, many of which have found significant reductions in recidivism among treated groups (e.g., Borduin, Schaeffer, & Heilblum, 2000; Huot, 2002; Looman, Abracen, & Nicholaichuk, 2000; McGrath, Cumming, Livingston, & Hoke, 2003; Nicholaichuk, Gordon, Gu, & Wong, 2000; Zgoba, Sager, & Witt, 2003). As a result, recent reviews and meta-analyses have come to more optimistic conclusions about treatment effects (e.g., Craig, Browne, & Stringer, 2003; Gallagher, Wilson, Hirschfield, Coggeshall, & MacKenzie, 1999; Grossman, Martis, & Fichtner, 1999), and there appears to be a growing consensus that current treatment approaches can indeed lower an offender's risk of sexual reoffense. Perhaps the strongest evidence of this comes from the recent collaborative outcome data project conducted by Hanson et al. (2002). Although few of the studies in this meta-analysis used true randomized designs, data were included from a wide range of treatment programs and a total of over 9,000 sexual offenders. Overall, the sexual reoffense rate was lower for the treated offenders (12.3%) than for those in the comparison groups (16.8%). More importantly, studies of contemporary treatment approaches (cognitive behavioral or systemic) reported a reduction in sexual recidivism from 17.4 to 9.9%.

Despite this developing sense of optimism about sexual offender treatment, not everyone in the field is convinced. For example, Rice and Harris (2003) reviewed the studies in the Hanson et al. (2002) meta-analysis and indicated that most had designs that were too weak to support conclusions about treatment effects. Others (Berliner, 2002; Prentky, 2003) have emphasized that important questions remain about the size, significance and stability of treatment effects over time, and about whether current research results can be generalized to the highest risk offenders. Even those reporting positive findings have pointed out significant gaps in our knowledge base and have called for vigorous research to improve our understanding of how and when sexual offender treatment works (Gallagher et al., 1999; Hanson et al., 2002).

The study described here, California's Sex Offender Treatment and Evaluation Project (SOTEP), was a longitudinal investigation that was specifically designed to add to our developing knowledge base on treatment effectiveness. By rigorously testing the impact of a contemporary treatment approach on sexual offenders who volunteered for treatment, we hoped to provide at least some answers to the question, "What kinds of treatment work for what kinds of

offenders under what conditions?" This project represents the first true randomized trial of modern cognitive-behavioral approaches with incarcerated adult sexual offenders.

OVERVIEW OF SOTEP

In the early 1980s, the California State Legislature ended the state's Mentally Disordered Sex Offender commitment program and required that a new state hospital program be established for sexual offenders who volunteered for treatment during the last 2 years of their prison terms (California Laws, 1981). It was further mandated that this was to be a small (less than 50 beds) program that was "established according to a valid experimental design in order that the most effective, newest and promising methods of treatment of sex offenders may be rigorously tested." (California Laws, 1981, 1982). These requirements, along with the fact that there were over 16,000 sexual offenders in California prisons at the time, provided the conditions under which a random assignment study of treatment effectiveness could be conducted.

In 1984, the California Department of Mental Health's proposal for the innovative treatment program and its evaluation was accepted and subsequently funded by the Legislature. Important features of this new project included (a) an experimental design that included random assignment of volunteers to either treatment or no-treatment conditions; (b) an intensive, cognitive-behavioral inpatient treatment program designed specifically to prevent relapse among sexual offenders; (c) a 1-year aftercare program in the community; and (d) a program evaluation that measured both in-treatment changes and long-term outcomes, including a follow-up period in which recidivism rates for treated and untreated participants were tracked for at least 5 years. SOTEP's treatment program operated at Atascadero State Hospital from 1985-1995; data collection for the program evaluation began in 1985 and continued for 6 years after the treatment unit closed.

Although we have published findings from several earlier panels of outcome data (Marques, Day, Nelson, Miner, & West, 1991; Marques, Day, Nelson, & West, 1994; Marques, Nelson, West, & Day, 1994; Marques, 1999), these have been in the form of preliminary studies or progress reports. The analyses that we present here are based on the last panel of SOTEP outcome data (collected in 2001), and represent our final results.

METHOD

Design

The impact of SOTEP's treatment program was determined by comparing the postrelease activities of three matched groups of participants:

Relapse prevention (RP) group. Sexual offenders who volunteered to participate and were randomly assigned to treatment at Atascadero State Hospital.

Volunteer control (VC) group. Sexual offenders in prison who volunteered but were randomly selected for no treatment. This was the primary comparison group for the treatment outcome study.

Nonvolunteer control (NVC) group. Inmates who qualified for the project but chose not to participate. This was a secondary comparison group that allowed us to track sexual offenders who did not want treatment as well as those who did.

Procedure

Study participants were involved in four phases of the project:

Selection

Between 1985 and 1994, SOTEP staff regularly visited California prisons to identify and interview eligible inmates, and to collect background information from their records. In the interview, the study's methods were explained (including the randomized group assignments, the program's assessment and treatment methods, and the program evaluation data to be collected), a brief mental status exam was conducted, and consent forms were signed by inmates who agreed to participate. Then, pairs of those who volunteered were matched on the variables of age (over or under 40 years), criminal history (prior felony conviction or not), and type of offender (rapist, molester with male victim, molester with female victim, or molester with victims of both sexes). One member of each matched pair was then assigned at random to the RP group, and the other assigned to the VC group. Matched offenders for the NVC group were selected later, also at random, from the pool of inmates who did not volunteer for the study.

Treatment

During this phase, members of the treatment group participated in an intensive 2-year treatment program at Atascadero State Hospital, a licensed and JCAHO accredited secure forensic treatment facility in California's central coast region. Members of the two control groups remained in prison and did not receive any treatment services from project staff. It should also be noted that although California prisons employed clinicians and offered some counseling to inmates (such as anger management and substance abuse groups), there was no organized sexual offender treatment program in the state's Department of Corrections during the time that SOTEP's program operated (1985-1995). Shortly before their release from either hospital or prison, all study participants were scheduled for

an interview with SOTEP research staff, and were asked to complete several assessment measures.

Aftercare

Following their hospital stays, RP group members participated in the Sex Offender Aftercare Program (SOAP) for 1 year. These services, which were provided in the offender's community by contract clinicians who were trained in RP by SOTEP clinical staff, were a condition of the participants' parole. This meant that failure to attend SOAP could result in a parole revocation and return to prison. Members of the two control groups were also supervised by parole agents after their release from prison. With the exception of several small pilot programs during the 1990s, the Department of Corrections had no sexual offender treatment programs for inmates leaving prison during our study period. At the end of the aftercare phase, SOTEP research staff conducted interviews with all RP group members and with control group members who volunteered to be interviewed.

Follow-Up

This phase overlapped the aftercare phase, and continued until the end of June 2000, when all but a few study participants had been at risk for at least 5 years. During follow-up, SOTEP staff regularly reviewed a variety of official records on all participants and recorded new offense information. Because of the lag in the posting of reoffense data, it was necessary to continue data collection into 2001 to detect all of the reoffenses that had occurred during the follow-up period. In addition to official record information, we collected some follow-up information from interviews with participants during this period.

Participants

All of the sexual offenders in this study were men from institutions within the California Department of Corrections, where they were serving sentences for child molestation or rape. Inmates who had offended in concert (e.g., gang rape) or only against their biological children (incest) were excluded from eligibility. In addition, participation was limited to inmates who (a) were within 18-30 months of release, (b) were between the ages of 18 and 60 years, (c) had no more than two felony convictions prior to their instant offenses, (d) admitted committing a sexual offense, (e) did not have pending immigration holds or felony warrants, (f) had estimated IQs above 80, (g) spoke English, (h) did not have a psychotic or organic mental condition, (i) were not so medically debilitated as to require skilled nursing care, and (j) had not presented severe management problems in prison.

Over the course of the project, SOTEP collected information from the prison records of over 1,400 men who were eligible for the study. Nearly three quarters (72.4%) of the eligibles were serving terms for child molestation, and the remainder (27.6%) were convicted rapists. Approximately one third of the eligible inmates interviewed for the project volunteered to participate. Although the most common reasons inmates gave for volunteering were to understand themselves or get help for their problems, discomfort as sexual offenders in prison was also reported as a factor. Similarly, although many of the nonvolunteers indicated that they did not want treatment, others refused because they had good job assignments, were located near family, or did not want to become state hospital patients. Overall, volunteers did not differ from the nonvolunteers on demographic and criminal history factors, with the exception of offender type. Child molesters were more likely to volunteer than rapists, $\chi^2(1, N = 1407) = 10.67, p = .001$; among child molesters, those with male victims were more likely to volunteer than those with female victims or victims of both sexes, $\chi^2(2, N = 1018) = 6.98, p = .030$.

Our study sample consisted of 704 offenders: 259 assigned to the treatment (RP) condition, 225 assigned to the volunteer control (VC) condition, and 220 selected for the nonvolunteer control (NVC) condition. Differences in the *n*'s were due primarily to RP group attrition, which is addressed below. In terms of offender types, each of the three groups was approximately 50% molesters with female victims, 20% molesters with male victims, 8% molesters with female and male victims, and 22% rapists (with adult victims). Over a third (39.9%) of the sample had prior felony convictions, 22.4% had prior arrests for sexual crimes, and 18.4% had prior convictions for sexual crimes. The major racial/ethnic groups were White (70.2%), African American (15.2%), and Hispanic/Latino (12.6%). The RP group did not differ from the control groups except that (a) more (12.8%) of the RP group members had previously been committed for treatment as mentally disordered sex offenders (MDSOs) than had the control group members (6.4%), $\chi^2(1, N = 694) = 8.20, p = .004$; and (b) a larger proportion (66.3%) of the RP group members were unmarried than were control group members (58.7%), although this difference did not quite reach significance, $\chi^2(1, N = 680) = 3.81, p = .051$.

Attrition

A total of 259 individuals were randomly assigned to the treatment (RP) condition. Of these, 55 withdrew their consent after they learned of their selection but before they were transferred to Atascadero State Hospital. Of the 204 men admitted to the treatment program, 167 (82%) completed their sentences there and were discharged to our aftercare program. The remaining 37 (18%) did not complete the program; 27 of these voluntarily withdrew and 10 were returned to prison because they presented severe management problems in the hospital. The 37 dropouts consisted of 24 child molesters and 13 rapists. Fourteen of the

dropouts (10 child molesters and 4 rapists) left the program before completing 1 year of treatment (approximately half of the program); another 23 (14 child molesters and 9 rapists) left after completing over 1 year of treatment.

Comparisons between the 167 treatment completers and the 37 dropouts revealed that they did not differ significantly on our measures of static risk (described in the section on covariates below) or treatment need (described in the section on treatment subgroups below), or on demographic variables other than age. We did find that treatment dropouts were significantly younger than completers (34.1 years vs. 37.4 years), $t(202) = 2.25$, $p = .025$ (two-tailed). The dropout rate for rapists (27%) was higher than that for child molesters (15%), but this difference did not reach statistical significance, $\chi^2(1, N = 204) = 3.38$, $p = .065$. Within the dropout group, comparisons between those who left the program early (before a year) and those who left late (after a year) revealed no significant differences on static risk, level of treatment need, psychopathy, age, or any other demographic variables.

For our comparison groups, 225 of the volunteers were assigned to the VC group, and 220 were selected from the pool of nonvolunteers to be the NVC group. None of the control participants dropped out of the study.

As we have noted previously (Marques, Day, et al., 1994) we have been concerned about attrition in our treatment sample since the study began, and have attempted to minimize its impact on our design. First, we tried to limit the number of treatment dropouts by terminating participation only when an individual created severe management problems in the hospital (such as serious contraband violations, assaultive behavior, or interfering with the treatment of others).

Men who were not disruptive, even if their progress was not substantial, were retained in the RP group. We gave participants who asked to leave the program 24 hr in which to reconsider their decision and stay in treatment. We also decided early in the study to retain in the RP group those participants who left the program after receiving a substantial dose of treatment (1 year, about half of the program). Finally, 4 years into the study we changed our selection-phase procedure to minimize the design problems caused by participants dropping out of treatment before they arrived at the program. From that point on, control group members were not matched to RP group members until the treatment participant was actually transferred to the program.

Despite these attempts, we still had a number of RP group members who dropped out of the study before they received a substantial dose of our intervention. Our method for handling this problem is described in the Results section below.

Treatment Program

From the beginning (Marques, 1984), SOTEP was designed to provide a comprehensive cognitive-behavioral treatment program that was based on our

adaptation (Marques, 1982) of Marlatt's RP model (Marlatt, 1980; Marlatt & Gordon, 1985). The program embraced the basic theoretical concepts of RP, emphasized the long-term risk of reoffending, and explicitly targeted the problem of relapse. All of the program's components, which included a variety of cognitive, behavioral and skill-training elements, were organized around the RP framework. Both assessment and treatment procedures focused on the individual's specific risk factors for reoffense, from broad lifestyle factors and cognitive distortions to deviant sexual arousal patterns and deficits in coping skills. Overall, the program's goals were to have participants show (a) an increased sense of personal responsibility and decreased use of justifications for sexual deviance; (b) a decrease in deviant sexual interests; (c) an understanding of, and ability to apply, the basic concepts and techniques of RP; (d) an improved ability to identify high-risk situations, and (e) better skills in the areas of avoiding and coping with high-risk situations.

SOTEP's primary treatment structure was the core RP group, which met for three 90-min sessions each week throughout the program. This highly structured group was the setting in which each participant's cognitive-behavioral offense chain was constructed and was used to identify the risk factors and patterns that his RP program needed to address. Core group members worked on accepting responsibility for their offenses, modifying their cognitive distortions, examining how they set up their past crimes and learning what they had to do differently to avoid reoffense.

In addition to this intensive group work, RP group members participated in other components that addressed factors associated with sexual offending. The project's specialty groups were designed to provide the specific knowledge, attitudes and skills that the offender needed to identify and cope with potential high-risk situations. These included groups on sex education, human sexuality, relaxation training, stress and anger management, and social skills. All participants also completed a prerelease class designed to prepare them for "life on the streets" and were scheduled for weekly individual sessions with their assigned clinicians and nursing staff. Other program components were offered on a prescriptive basis. Participants with significant alcohol or drug abuse histories (about 69% of the treated group) were required to complete an RP-based substance abuse group. Individuals who showed patterns of deviant arousal in their phallometric assessments were offered behavioral treatment, usually olfactory aversion or orgasmic reconditioning. To maintain consistency and fidelity in the program, all treatment services (with the exception of individual sessions) were guided by manuals that specified the goals and treatment procedures for the group sessions, as well as the homework assignments to be completed by participants. All group sessions were videotaped; the tapes were randomly selected and reviewed in clinical supervision sessions, but program fidelity was not formally monitored in the program.

Measures

In-Treatment Measures

RP group members completed a variety of psychological tests and other instruments during their hospital stays, including pre-post tests in specialty groups and a battery of measures at intake and release from the program. Some of these were used primarily by clinicians for treatment planning, some were used to evaluate specific treatment components, and others were used to determine if RP group members were reaching the overall treatment goals described above (see Marques et al., 1991 for a complete description of the instruments used). For the outcome study presented here, only measures directly related to treatment needs and goals were considered. These included (a) one pretreatment self-report, SOTEP's motivational questionnaire; (b) two pre-post tests, phallometric assessment of deviant sexual interests and the Multiphasic Sex Inventory (MSI; Nichols & Molinder, 1984); and (c) two posttreatment measures, clinician ratings of how well the participant performed on two RP exercises. Although data from another pre-post measure, the Sex Offender Situational Competency Test (Miner, Day, & Nafpaktitis, 1989) were collected, they had not been coded and analyzed in time for inclusion here.

Outcome Measures

Study participants were followed in the community for a minimum of five and a maximum of 14 years. In each year of follow-up, we collected data from both the FBI and the California Department of Justice concerning criminal activity ("rap sheets") and from the state's Department of Corrections concerning parole violations and returns to prison. When there were indications that an offense had occurred, we attempted to obtain the actual arrest and investigation reports that described the crime. Staff then rated the offense descriptions along a number of dimensions, including certainty that the offense occurred, type of offense (sexual, other violent, or other), and various levels of offense severity. Interrater agreements from year to year were evaluated using randomly selected samples of cases with reoffense activity. The overall agreements for the ratings were acceptable (89% for offense type, 100% for certainty of offender guilt, and 84% for sexual offense severity).

Possible sexual offenses were categorized as "hands on" (e.g., child molestation, rape, attempted rape), "hands off" (e.g., possession of child pornography, propositioning a minor, indecent exposure) or "high-risk behavior" (e.g., being in the presence of minors or loitering, behaviors that we considered risky or possible offense precursors but that were not sexual offenses per se). In the analyses presented here, "sexual reoffenses" included both hands-on and hands-off behaviors,

but did not include the group of high-risk behaviors. In terms of offense certainty, we only included crimes that were rated as at least "possible." In some cases then, offenses were counted if there was evidence that the crime occurred, even if charges were dropped or the offender was returned to custody for violating his parole conditions.

RESULTS

Our final panel of SOTEP data was analyzed in several steps. First, we conducted a set of main effects analyses, comparing the reoffense rates of our treated participants with those of our two control groups. We started with broad analyses that included treatment dropouts as well as completers, and used both sexual recidivism and nonsexual violent recidivism as outcomes. Next, we narrowed our focus to the major outcome of interest, sexual reoffending, and looked more closely at our groups and outcomes to determine if there were some types of offenders that did better with treatment, and if there were differences in the severity of the offenses that were committed by treated and untreated offenders. We also determined if our experimental groups differed in terms of their reoffense risk, and conducted main effects analyses that took levels of risk into account by including a measure of static risk as a covariate. Finally, we examined effects that were unique to the treatment group. The focus here was on our in-treatment measures, specifically whether they predicted outcome and whether they could be combined to identify subgroups of offenders who were more likely to succeed after discharge.

Main Effects Analysis

Table 1 presents the reoffense rates for all SOTEP study groups, with the group assigned to RP broken down into several subgroups: (a) those who withdrew before transfer to the treatment program, (b) those who left treatment before 1 year, and

Table 1. Sexual and Violent Reoffense Rates for All Study Groups

Group	n	Years at risk	Sexual reoffense	Violent reoffense
		M	%	%
Relapse prevention (all assigned)	259	8.3	22.0	16.2
Withdrew prior to treatment	55	7.9	20.0	12.7
Relapse prevention < 1 year	14	8.4	35.7	28.6
Relapse prevention ≥ 1 year	190	8.4	21.6	16.3
Volunteer control	225	8.4	20.0	11.6
Nonvolunteer control	220	8.3	19.1	15.0

Note. Relapse prevention group is broken down to show various subgroups that resulted from attrition.

(c) those who completed the program or left after a year or more of treatment. In addition to our primary outcome events (new sexual offenses), the table shows what percentage of the participants committed new crimes involving nonsexual violence. It should be noted that we avoided duplication in the table by using a hierarchical system for these data, that is, violent offenses were only counted if the individual did not have a new sexual offense.

The attrition in our RP group has complicated our analyses of treatment effects. For example, do we identify as our experimental group all participants randomly assigned to treatment or only those to whom treatment was delivered? Our solution to this problem was to collect recidivism data on all study participants, and then to test hypotheses in two ways, "treatment as assigned" and "treatment as delivered" (see Marques, Day, et al., 1994). In the first of these analyses, the randomization was preserved, and the RP group consisted of all individuals randomly selected for treatment, whether they entered the program or not. This was our broadly defined "intent to treat" sample. In the second analysis, only RP group members who actually participated in treatment were included, and the reoffense rates of those who received a substantial dose of treatment were compared with those who dropped out as well as those in the control groups. We expected that any conclusion regarding treatment effectiveness would be based on converging evidence from both of these tests.

Treatment as Assigned

This analysis compared the proportion of the RP intent to treat group who reoffended with the proportions who reoffended in the volunteer control (VC) and nonvolunteer control (NVC) groups. Because SOTEP participants had varying times at risk, recidivism incident data were analyzed using the LIFETEST survival rate analysis program (SAS Institute, 1999). In this procedure, time until recidivism, specifically the number of days between each participant's release from incarceration and the date of apprehension for a new offense, was the dependent variable rather than the simple presence or absence of reoffense. Although methods are sometimes used to adjust time-at-risk by subtracting temporary incarcerations for other offenses from total follow-up time, we essentially used calendar time until recidivism in our analyses. Specifically, each participant's reoffenses were tracked until (a) the end of our follow-up period (June 30, 2000), (b) the date of his death, or (c) the date he was incarcerated for a period of time that included the last date of follow-up.

Wilcoxon tests of the differences in the survival distributions across experimental groups failed to approach significance in the treatment as assigned analysis for both sexual reoffense, $\chi^2(2, N = 704) = 0.28, p = .870$, and nonsexual violent reoffense, $\chi^2(2, N = 704) = 0.66, p = .719$. For our primary outcome, sexual reoffense, the Kaplan-Meier display of the survival curves showed remarkably

Table II. Cumulative Failure Rates (Sexual Reoffense) Over 6 Time Gates

Group	Rate at given time gate					
	1 year	2 year	3 year	4 year	8 year	12 year
Relapse prevention < 1 year	21.4	28.6	28.6	28.6	28.6	35.7
Relapse prevention > 1 year	6.8	10.5	14.7	15.3	19.5	21.6
Volunteer control	6.2	10.7	13.3	16.0	19.1	20.0
Nonvolunteer control	5.5	11.4	13.2	15.9	18.2	19.1

Note. Relapse prevention includes all participants who were admitted to the treatment program.

similar patterns across all three groups, with reoffenses occurring steadily for the first 3 years after release, after which the rates of reoffense slowed, then almost leveled off at the 5-year point and beyond.

Treatment as Delivered

For this second comparison of the reoffense rates of our treated and untreated participants, we excluded the 55 men who dropped out before transfer to the hospital, and focused on the 204 in the RP group who had some treatment exposure. As Table I shows, these were further divided into two groups, those who left before 1 year and those who completed a year or more of the program. Wilcoxon tests of the differences in the survival distributions across experimental groups failed to reach significance in the treatment as delivered analysis for sexual reoffense, $\chi^2(3, N = 649) = 2.66, p = .448$. Kaplan-Meier survival curves appeared very similar across groups, except for the group of early treatment dropouts who demonstrated visually poorer survival times until sexual offending. As Table II demonstrates, early dropouts tended to reoffend in their first year after release. Because of the very small size of this group ($n = 14$), however, this difference was not statistically significant as was noted earlier.

When the outcome criterion was changed to nonsexual violent reoffense, the survival distributions of the groups were similar to those for the outcome of sexual reoffense. However, the pattern of early reoffense among the early dropouts was more pronounced, achieving statistical significance when time-until-violent offense was the criterion, $\chi^2(3, N = 649) = 8.76, p = .033$.

Treatment Interactions

Even without an overall treatment effect, it is possible that a subset of offenders did better with treatment than without. Our next set of analyses addressed this possibility, by examining the outcomes for offender subgroups. First, we calculated reoffense rates within the various types of offenders in our sample (molesters of females, molesters of males, molesters of males and females, and rapists), and

Table III. Sexual Reoffense Rates by Experimental Group for Various Offender Types

Group	Child molesters				
	All molesters	Female victim	Male victim	Male and female victim	Rapists
	% (n)	% (n)	% (n)	% (n)	% (n)
Relapse prevention	21.9 (32/146)	17.8 (16/90)	30.0 (12/40)	25.0 (4/16)	20.4 (9/44)
Volunteer control	17.2 (30/174)	14.2 (16/113)	22.7 (10/44)	23.5 (4/17)	29.4 (15/51)
Nonvolunteer control	20.6 (35/170)	14.8 (16/108)	37.2 (16/43)	15.8 (3/19)	14.0 (7/50)

Note. Relapse prevention includes all participants who completed at least 1 year of treatment.

compared these rates across the RP, VC, and NVC groups (see Table III). None of the observed differences between the treated and untreated groups approached statistical significance in either simple tests of proportions or in comparisons across survival distributions. It should be noted that the early dropout group was omitted in this and subsequent tables and analyses because of its small size, $n = 14$.

Next, we examined our results to determine if there were other subject characteristics that interacted with treatment, such as demographic variables or criminal history. To test for interactions we ran a logistic regression analysis with sexual reoffender (yes/no) as the dependent variable. In each equation, experimental group, a subject characteristic, and the group-by-subject characteristic interaction term were tested for significance. The subject characteristics entered in these equations were offender type (molester/rapist), age (under 40/40 plus), racial identification (White/non-White), prior MDSO status (yes/no), prior sexual offense felonies (yes/no), intoxicated at time of the instant offense (yes/no), physically injured victim (yes/no), and victim was a stranger (yes/no).

The interaction term was statistically significant in only one of these calculations, namely, intoxicated at the time of the offense, $\chi^2(1, N = 390) = 5.23$, $p = .022$. RP participants who were intoxicated at the time of the instant offense had a lower rate of sexual reoffense than RP participants who were not intoxicated (12.1% vs. 28.6%), whereas VC participants showed the reverse pattern (22.4% reoffense if intoxicated and 18.8% if not intoxicated). This significance, however, was eliminated when we applied a Bonferroni correction for multiple comparisons. A second test for interactions using Cox regression with survival hazard rate as the dependent variable yielded the same result as the logistic regression.

Severity of Reoffense

Our offense severity-coding data were used to examine qualitative differences in the reoffenses that were committed by individuals in our study groups. For these comparisons, a severe sexual offense was defined as one involving (a) sexual

penetration, (b) victim injury, (c) use of a weapon, or (d) incapacitation of the victim. We found that the VC group tended to commit more severe offenses than the RP or NVC groups, with the differences among the three groups being significant on two variables, sexual penetration, $\chi^2(2, N = 178) = 6.48, p = .039$ and victim injury, $\chi^2(2, N = 155) = 7.51, p = .023$. Again, however, applying Bonferroni corrections due to multiple tests had the effect of eliminating the significance of these two findings.

To explore the severity findings more closely, we focused on comparing the reoffenses of our RP group with those of the primary control (VC) group. Inspection of the data revealed that the RP group had a lower percentage of crimes that were rated as severe on three of the four indicators, sexual penetration (15.3% for the RPs vs. 33.3% for VCs), weapons (2.0% vs. 10.0%), and victim injury (7.6% vs. 14.6%). To avoid the multiple-tests problem and to more efficiently test these relationships we calculated a stepwise logistic regression in which offense severity variables were predictors and group was the dependent variable. In this equation two variables emerged as significant predictors, sexual penetration $\chi^2(1, N = 101) = 4.68, p = .031$, and incapacitation of the victim, $\chi^2(1, N = 101) = 4.85, p = .028$, with victim injury approaching significance, $\chi^2(1, N = 101) = 3.50, p = .062$. We also constructed composite measures of severity by combining the four indicators, but because the variables were not significantly correlated with each other this approach did not prove to be meaningful.

Main Effects Analysis with Covariates

Our matching variables (age, type of offense, and prior felony convictions) and randomization procedures were designed to create groups that were not significantly different from each other on important variables such as pretreatment risk. As noted above, however, we detected some differences in the experimental groups; for example, compared with the control groups, more of the RP participants were single or had a history of commitment as a mentally disordered sex offender. As a result, it has been necessary for us to conduct additional survival analyses to control for differences in pretreatment reoffense risk.

Although today's array of actuarial risk assessment instruments was not available when we designed our study in 1984, we did collect enough information on our participants to later score them on a shortened version of the Static-99 (Hanson & Thornton, 2000). It should be noted that the Static-99 combines items from the RRASOR (Hanson, 1997a) and the SACJ-Min (Grubin, 1998), and that an earlier panel of SOTEP data was used in the development of the RRASOR. Our adaptation of the Static-99, which we called "Static-Lite," included the following seven items from the Static-99: prior sex offenses, convictions for noncontact sex offenses, any unrelated victims, any stranger victims, any male victims, young, and never married.

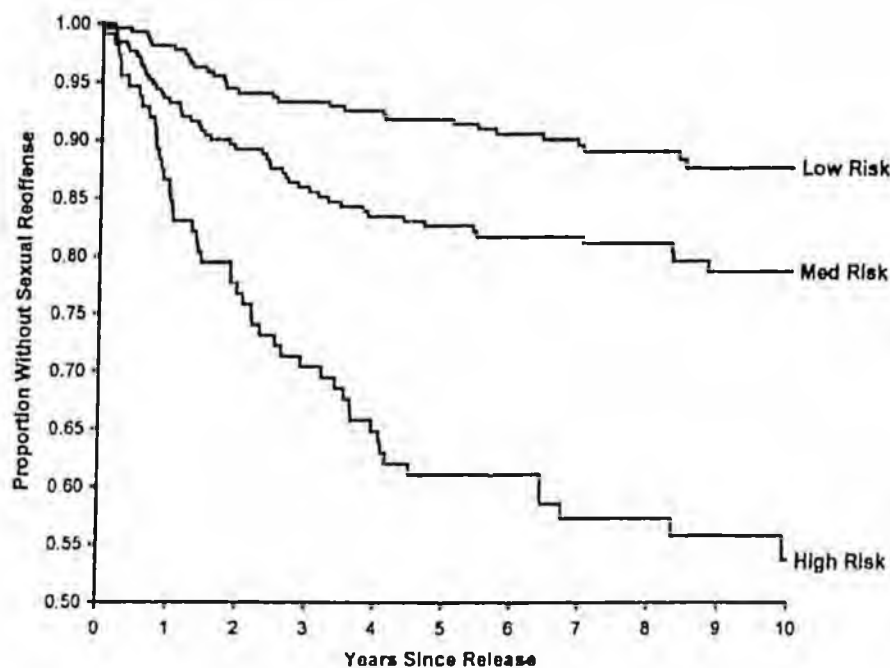


Fig. 1. Survival curves for groups differing on static risk (Static-Lite) scores.

Even though our sample did not include some of the highest risk offenders (e.g., those with three or more prior felony convictions), Static-Lite proved to be an adequate measure of risk, showing moderate predictive accuracy for sexual recidivism (ROC area = .68). As Fig. 1 demonstrates, there were clear differences in the rates of survival for high, medium and low risk individuals in our sample, $\chi^2(2, N = 635) = 54.9, p < .0001$.

Despite random assignment, the mean risk score of the RP group ($M = 2.25$) was significantly higher than the mean scores of the VC group ($M = 1.88$) and the NVC group ($M = 1.88$), $F(2, 635) = 3.71, p = .025$. To determine if this difference resulted from a nonrandom source, particularly attrition, we compared the Static-Lite scores of the various subgroups of offenders who were originally assigned to RP. No differences were found among the risk scores of the 167 treatment completers ($M = 2.28$), the 23 late dropouts ($M = 2.09$), the 14 early dropouts ($M = 2.21$), and the 55 individuals assigned to treatment who never showed up ($M = 2.11$), $F(3, 257) = .19, p = .904$.

As Table IV shows, when the groups were stratified by risk level, the RP group tended to have somewhat lower reoffense rates than the primary comparison group, the VCs. RP participants also appeared to fare better than NVC participants, with the exception of the medium risk group. In Table V, the reoffense rates of the two comparison groups have been adjusted to reflect what they would be if those

Table IV. Sexual Reoffense Rates for Different Risk Groups

Group	Risk group ^a		
	Low	Medium	High
	% (n)	% (n)	% (n)
Relapse prevention	11.0 (8/73)	21.6 (16/74)	39.5 (17/43)
Volunteer control	11.1 (11/99)	21.9 (21/96)	43.3 (13/30)
Nonvolunteer control	12.1 (12/99)	14.6 (12/82)	46.2 (18/39)

Note. Relapse prevention includes all participants who completed at least 1 year of treatment.

^aRisk groups were defined by scores on Static-Lite, an abbreviated version of the Static-99 (Hanson & Thornton, 2000). Low includes scores of 0-1, medium includes scores of 2-4, and high includes scores of 5 and above.

groups had the same higher risk scores that the RP group did. These adjustments were made by calculating the odds ratio associated with an increase by one point in Static-Lite score, then using observed Static-Lite group means to determine the amount of hypothetical recidivism-increase to add to the VC and NVC group means. When static risk was controlled for, the RP group appeared to have the lowest reoffense rate, but this difference did not approach significance in either a simple test of proportions or in a Cox regression equation testing the survival hazard rate of the RP group versus that of the combined control groups.

Because the research literature and particularly meta-analyses of sexual offender treatment studies often describe findings in terms of effect size, an analysis was also conducted to derive effect size of the recidivism comparison between the two most conservatively defined and randomly assigned groups after controlling for risk. Specifically, survival times until recidivism of the 259 offenders originally assigned to treatment and the 225 VCs were entered into a Cox equation after first entering Static-Lite score. The odds ratio for Assigned RP versus VC was .965, between 95% confidence limits of .650 and 1.433. This again indicates (nonsignificantly) lower odds of reoffending among the RP group after controlling for risk.

Further inspection of Static-Lite scores showed that risk was unequally distributed across types of offenders when viewed by experimental group. To

Table V. Sexual Reoffense Rates Adjusted^a for Static-Lite Scores

Group	n	Static-Lite M	Observed rate	Adjusted rate
Relapse prevention	190	2.25	21.6	21.6
Volunteer control	225	1.86	20.0	23.8
Nonvolunteer control	220	1.88	19.1	23.0

Note. Relapse prevention includes all participants who completed at least 1 year of treatment.

^aFor Static-Lite differences using odds ratio to compute hypothetical increases (or decreases) in recidivism given static risk differences in groups.

Table VI. Adjusted^a Sexual Reoffense Rates for Various Offender Types

Group	Child molesters				Rapists (%)
	All Molesters (%)	Female victim (%)	Male victim (%)	Male and female victim (%)	
Relapse prevention	21.9	17.8	30.0	25.0	20.4
Volunteer control	21.3	16.4	33.2	22.9	30.2
Nonvolunteer control	24.4	17.5	42.8	16.5	17.2

Note. Relapse prevention includes all participants who completed at least 1 year of treatment.

^aFor Static-Lite differences using odds ratio to compute hypothetical increases (or decreases) in recidivism given static risk differences in groups.

investigate the extent to which risk may have affected results within offender type, we calculated adjusted recidivism rates for each offender type and experimental group in the same way we made hypothetical adjustments for main effects, specifically by using odds ratios to compute expected group recidivism rates given observed Static-Lite scores. Results (Table VI) show that these adjustments changed the picture of relative recidivism rates within offender types when compared with the observed (unadjusted) recidivism rates that were presented in Table III. However, tests of the differences across experimental groups in (adjusted) proportions of reoffenders found none approaching statistical significance.

RP Group Analyses

We conducted several sets of analyses on our RP group only, to examine the relationship between treatment progress and reoffense. We first examined whether our in-treatment measures were useful in predicting outcomes (sexual reoffenses). Next, we determined whether offenders with higher initial needs in areas that our program was designed to address had better outcomes than those with lower needs. Finally, we analyzed the extent to which participants who met treatment goals had better outcomes than those who did not.

In-Treatment Measures

Our first set of analyses was conducted to update our preliminary work (Marques, Nelson, et al., 1994) on the relationships between treatment measures and recidivism. As in the earlier study, we focused on a small set of in-treatment measures that were related to the SOTEP goals of having participants show (a) increased personal responsibility and decreased use of justifications for sexual abuse, (b) decreased deviant sexual arousal, and (c) an understanding of and ability to apply the techniques of RP. The measures we used were from two tests administered pre- and posttreatment (the MSI and a phallometric assessment) and

from two posttreatment only tests (both of which were clinician ratings of RP skills).

Pre-post comparisons were made on two scales from the MSI (the Justifications scale and the Cognitive Distortions and Immaturity scale) and on three indicators of deviance from the phallometric assessment (arousal to stimuli depicting female children, male children, and rape). The mean scores on both MSI scales were significantly lower at discharge than at intake; for Justifications, $t(168) = 5.55, p < .0001$ (one-tailed), and for Cognitive Distortions and Immaturity, $t(168) = 4.78, p < .0001$ (one-tailed). Significant pre-post changes were also found on the mean phallometric responses to stimuli of female children, $t(170) = 9.31, p < .0001$ (one-tailed); male children, $t(170) = 6.76, p < .0001$ (one-tailed); and rape, $t(170) = 8.14, p < .0001$ (one-tailed). Bonferroni corrections for multiple tests were applied to these pre-post comparisons; all reported in this paragraph remained significant at $p < .001$.

The relationship between our in-treatment measures and reoffense was examined by comparing the in-treatment scores of participants who sexually reoffended with those of participants who did not sexually reoffend. On the pretreatment measures, the scores differed significantly on only one measure, arousal to male children, $t(189) = 2.61, p = .005$ (one-tailed), with reoffenders having the higher scores. On the posttreatment measures, reoffenders had higher scores on two phallometric measures, arousal to male children, $t(163) = 2.73, p = .004$ (one-tailed), and arousal to female children, $t(163) = 1.70, p = .046$ (one-tailed). Neither the MSI scales nor the clinician ratings of participants' RP skills (see next section for more on these ratings) differentiated between reoffenders and those who did not reoffend. Bonferroni corrections for multiple tests applied to the statistics in this paragraph had the effect of eliminating the significance of posttreatment arousal to female children as a predictor of sexual reoffense. Pre- and posttreatment measures of arousal to male children remained as significant predictors of reoffense at $p < .05$.

Treatment Subgroups

In our final set of analyses, we identified several clinically relevant subgroups and determined how they responded to treatment. The three groups we were particularly interested in were treated individuals who (a) had the treatment needs that our program addressed, (b) learned the RP skills taught in the program, or (c) reached the program's overall treatment goals.

For the first analysis, we used our pretreatment measures to create a simple additive scale of 8 items designed to measure the participant's level of need. It should be noted that this "Need It" scale was developed a priori on the basis of our program's treatment targets rather than a posteriori on the basis of findings. Points were given for one item from our motivational questionnaire (subject blames others

for offending); three phallometric scores (arousal greater than 20% to stimuli of boys, girls or rape), and four MSI scores (above our sample median on Justifications, Cognitive Distortions and Immaturity, Child Molest or Rape scales). When the Need It scores of sexual recidivists were compared with those of nonrecidivists, no significant difference was found, $t(188) = -.09$, $p = .466$ (one-tailed). We also defined a "Needed It" subgroup (those with scores above 4) and compared their sexual reoffense rates with those of participants with fewer treatment needs. These rates, 20.7 and 25.4% respectively, did not differ significantly.

For the second analysis we divided our treatment group on the basis of how well they learned the RP model. Near the end of their hospital stays, participants completed two written RP exercises, a Decision Matrix (DM) that examined the consequences of offending versus abstaining, and a Cognitive-Behavioral Chain (CBC) that described the series of steps leading to their offenses and how they could intervene. These products were rated by the participant's primary clinician on a 7-point scale with 7 representing *highest quality*. We then defined High DM and High CBC subgroups as including individuals who scored above the mean on each of these measures. Sexual reoffense rates were very similar for High DM (20.3%) and Low DM (22.2%) participants. Although High CBC participants reoffended at a somewhat lower rate (16.9%) than did the low scorers (22.4%), this difference also failed to approach significance.

We also investigated the possibility that relationships between DM and CBC scores and reoffense depended on a participant's level of risk. Inspection of the data suggested that at least among high risk offenders, High CBC scorers had a lower reoffense rate (17.6%) than did Low CBC scorers (58.3%). However, Cox regression equations investigating the effects of DM, CBC and risk level on survival hazard rate revealed no statistically significant effects due to DM score, CBC score, or their interactions with Static-Lite.

In the third analysis, we created a priori another simple additive scale, in this case a 9-point scale designed to identify participants who derived benefit from the program or basically "got" the treatment we provided. Items in this "Got It" scale were from posttreatment measures that were relevant to our treatment program goals. Points were given for three phallometric scores (arousal greater than 20% to stimuli of boys, girls or rape), four MSI scores (above our sample median on Justifications, Cognitive Distortions and Immaturity, Child Molest or Rape scales), and the two RP ratings (below the mean on our CBC and DM measures). In this scale, because points indicated deviance or a lack of RP skills, low scores indicated a better treatment response.

When the Got It scores of sexual recidivists were compared with those of nonrecidivists, no significant difference was found, $t(156) = -1.34$, $p = .092$ (one-tailed). However, when Got It scores were used to divide RP participants into "Got It" and "Did Not Get It" subgroups on the basis of a median split ($< 3 = \text{Got It}$), the difference in recidivism rates of the two groups (13.5 and 27.2%

Table VII. Sexual Reoffense Rates for RP Participants Differing on Static Risk and Treatment Progress

Got It? ^a	Static-Lite score			Overall rates % (n)
	Low	Medium	High	
	% (n)	% (n)	% (n)	
No	16.2 (6/37)	21.0 (8/38)	50.0 (14/28)	27.2 (28/103)
Yes	4.6 (1/22)	25.0 (5/20)	10.0 (1/10)	13.5 (7/52)

^a"Got It" scale included nine scores related to program goals, with scale scores above the sample mean indicating treatment progress.

respectively) approached significance, $\chi^2(1, N = 155) = 3.72, p = .054$. Further examination of this trend revealed that the relationship between our measure and sexual reoffense was not consistent across our three static risk groups. As Table VII shows, high-risk offenders who Got It reoffended at a significantly lower rate (10.0%) than did those who failed to reach treatment goals (50.0%), $\chi^2(1, N = 38) = 4.93, p = .026$ ($p = .028$, one-tailed, when Fisher's exact test was applied because of at least one cell having an expected count less than five). The differences in recidivism between those who Got It and those who did not failed to approach significance within the medium and low risk groups. However, in a Cox regression equation testing the effects of Got It and risk group on survival hazard rates Got It was a statistically significant predictor of time until reoffense, $\chi^2(1, N = 160) = 3.99, p = .046$, with the effect of risk level, $\chi^2(1, N = 160) = 7.26, p = .007$, also in the equation and thus "controlled."

Finally, examination of our Got It subgroup revealed that the predictive value of Got It was largely accounted for by the child molesters in our treated sample. Among rapists, the relationship between Got It and reoffense rates did not approach significance. Among molesters, however, those who Got It reoffended at a significantly lower rate (9.3%) than those who Did Not Get It (31.3%), $\chi^2(1, N = 126) = 7.57, p = .005$.

DISCUSSION

Unlike most outcome studies of "current" treatments (see Hanson et al., 2002), we did not find an overall treatment effect for our cognitive-behavioral treatment program. Sexual offenders who were randomly assigned to our hospital-based RP program did not reoffend at a lower rate than those who were randomly assigned to the in-prison control groups. This was the case for both rapists and child molesters, and for low-risk offenders as well as high-risk offenders. A number of comments on this outcome have already been offered, including the straightforward conclusion that SOTEP (along with other random assignment

studies) simply does not support the effectiveness of treatment for adult sexual offenders (Rice & Harris, 2003). In the context of growing optimism about the benefits of sexual offender treatment, this study's message is, "Not so fast, we are still far from understanding how and when treatment works."

Although we accept that this simple cautionary note may be SOTEP's "take home" message, we also believe that it is important to examine this study closely and explore possible explanations for its null results. We started this examination with a review of our study design. In the ideal test of treatment, the only difference between the treatment and control conditions is the intervention. In SOTEP, however, the experimental conditions differed in several ways other than the presence or absence of the RP program we were testing. Most importantly, the RP group lived in a hospital, whereas both control groups lived in prison. In the state hospital, offenders were surrounded by sexually deviant peers and therapeutic staff who expected them to openly discuss their crimes and deviant interests. In prison, control group participants most likely hid their backgrounds and were surrounded by people who were highly intolerant of sexual deviance. As a result of such differences in experimental conditions, SOTEP cannot be viewed as a "pure" test of treatment but rather as a more complex comparison of treatment in a state hospital setting versus confinement in a prison setting.

The randomized experiment is considered the gold standard in program evaluation, and is the design least likely to result in groups that differ in systematic ways. Randomization does not, however, guarantee equivalent groups. In our case, men assigned to the RP group tended to be higher risk than those assigned to the control conditions. It is possible, though unlikely, that random variation also resulted in an RP group that was less motivated or more sexually deviant in ways that our data were not sufficient to test.

Given that we were taking a new (in 1984) treatment model for addictive behaviors and applying it to a different group of clients, we decided to screen our study participants. For example, we did not accept individuals who categorically denied their offenses or had substantial criminal careers (three or more prior felony convictions). The criminal history screening no doubt eliminated some of the highest risk offenders from our study, resulting in a rather low base rate (20%) of sexual reoffending as well as a relatively small group of high-risk offenders for us to treat. It may be that our intervention was too intense for our group of mostly low to medium risk offenders. Some (e.g., Hanson, 2000; Nicholaichuk, 1996) have even suggested that intensive treatment may make low-risk offenders worse. It should be noted, however, that we also screened out the lowest risk group (those who molested only their biological children), and that we did not find that treatment made any subgroup of offenders more likely to reoffend.

One other aspect of our study design that may have affected the results is our management of attrition. To minimize this problem, we made an effort to keep RP participants in the program once they began treatment. We did not require

them to demonstrate motivation, fully engage in treatment, or show improvement to stay in the program. The only individuals who were terminated from treatment were those who presented severe management problems at the hospital. As a result, we had some participants who were quite comfortable just "programming," attending treatment activities but not really making the commitment to change that is important to the RP model (Marques, Nelson, Alarcon, & Day, 2000). SOTEP's minimal standard for treatment completion resulted in a low treatment dropout rate (18%) that is in sharp contrast with the rate in programs that set more rigorous performance standards, such as the 50% noncompletion rate reported by McGrath et al. (2003) in their RP program. It is possible that our results reflect in part our willingness to retain individuals with low motivation or performance.

The most obvious place to find explanations for our results is not in the study's design but in its treatment program. Twenty years ago the RP model was new and promising, and adapting it for use with sexual offenders trying to avoid relapse made a great deal of sense. Using RP as our framework, we designed a program that included the components found in programs at that time (e.g., sexual arousal modification, cognitive restructuring, social skills training, victim empathy, stress and anger management), and organized these around a core RP treatment group that focused on the individual's offense patterns, risk factors, and skills needed for avoiding relapse. We also included an aftercare component to help participants maintain treatment gains after discharge from the hospital.

Although this basic RP approach is still popular and considered "current" treatment in the field, in several ways our program did not reflect today's state of the art. First, because we only accepted individuals who admitted their offenses and volunteered for treatment, we did not emphasize the need to build and maintain motivation. As an RP program we were focused on the maintenance stage of behavior change, and our interventions were designed to provide skills participants could use to anticipate and avoid relapse. SOTEP did not have a treatment readiness phase or other components (such as motivational interviewing; Miller & Rollnick, 1991) designed to prepare individuals to change and to engage them in treatment. We also did not target the decrease in motivation that some treated offenders show after release to the community (Barrett, Wilson, & Long, 2003). We learned from interviews with reoffenders that a number of our treatment failures did not use the self-management skills they had acquired in the program, and some did not even accept the basic goals of self control and relapse avoidance (Marques et al., 2000). As Mann (2000) has pointed out, RP is unlikely to be successful with clients who do not accept its goals, model, and methods.

Our program included individual sessions and some prescriptive components (such as sexual arousal modification and substance abuse treatment), but most interventions were provided in groups by therapists using treatment manuals. Although manualized treatments enhance program integrity, they have the disadvantage of limiting the extent to which interventions are based on individual case formulations and treatment plans (Hollin, 2002). When asked about this, SOTEP

clinicians indicated that our highly structured approach did not allow them to do more intensive work with participants who needed it, such as those who were not committed to change or needed more sessions to practice coping skills (Marques et al., 2000).

Although we viewed each participant's RP program as "individualized" (on the basis of his offense chain and risk factors), core RP group sessions were essentially the same for all participants. Membership of the core groups was mixed, with most having molesters and rapists as well as individuals with different levels of risk, need and treatment involvement. It is possible that having some unmotivated and highly deviant members present may have negatively affected the engagement and expectations of other group members. Group diversity may also have limited the extent to which interventions were modified for different types of offenders. For example, we did not distinguish between "avoidance goal" molesters (who see molesting children as a problem behavior they want to stop) and "approach goal" molesters (who hold positive views regarding sex with children) (see Ward & Hudson, 1998, 2000), or adapt RP interventions to fit these different offense pathways (Bickley & Beech, 2003).

One important way that SOTEP differed from most current programs is that discharge was unrelated to treatment progress or perceived reoffense risk. We used in-treatment measures but these played no role in determining when a participant was released to the community. In fact our mandate (California Laws, 1982) required that the length of an offender's sentence was not to be affected by his participation in the program. On the positive side, this requirement helped us avoid the problem of individuals "faking good" to get released earlier. On the negative side, there was no pressure on participants to engage fully and actively pursue treatment goals. Although it is difficult to assess the importance of this factor, most current programs do provide clear external incentives for offenders to participate and advance in treatment (Seto, 2002).

Our aftercare component, SOAP, has been criticized for being too intensive (Marshall & Anderson, 2000), but in our view it was too circumscribed. For one year after their release, RP group members were under standard parole supervision by the Department of Corrections and were seen twice a week by a SOTEP-trained clinician in group or individual sessions. These treatment providers were encouraged to communicate with parole agents, but this was not required unless the participant failed to attend treatment sessions. SOAP did not include maintenance polygraph examinations, GPS or other surveillance techniques, medications for individuals experiencing deviant arousal, or social and supportive services. It provided some continuity of care, but clearly fell short of the interdisciplinary, individualized, case management model of aftercare that is now recommended (Prentky, 2003). Although it has not been rigorously tested, this "containment approach" (English, 1998) represents the current thinking in the field (Association for the Treatment of Sexual Abusers [ATSA], 2004; California Coalition on Sexual Offending, 2001; Center for Sex Offender Management, 2000; Colorado

Sex Offender Management Board, 1999). As we learned in interviews with our treatment failures, a number of RP participants were facing high-risk situations soon after entering the community (Marques et al., 2000). It is possible that added surveillance and teamwork could have prevented some of these early failures.

In addition to comparing our program to current best practices in sexual offender treatment, we have examined it from the broader perspective of offender rehabilitation, or the "what works" literature (Gendreau & Andrews, 1990; Lösel, 1995; McGuire, 2002). Andrews and Bonta (1998, 2003) have provided a clear framework for this examination. They have determined that effective programs meet three principles: (a) *risk* (they treat higher risk rather than lower risk cases), (b) *need* (they target dynamic risk factors), and (c) *responsivity* (they use powerful behavior change strategies). First, SOTEP did not focus on high-risk offenders. Second, our treatment targets included some (e.g., deviant sexual arousal and cognitive distortions) but not all of the established dynamic risk factors for sexual offending. Finally, the program was based on cognitive-behavioral interventions and thus adhered to the general responsivity principle. At best, then, SOTEP was consistent with two of the principles; a more stringent view would be that it met only the responsivity principle. According to Andrews and Bonta (2003), programs adhering to all three principles can expect a 26% reduction in recidivism; those following two principles an 18% reduction, and those adhering to one component only a 2% reduction. From this perspective our null result is not at all surprising. Although hindsight based on currently available concepts cannot improve SOTEP results, the risk-need-responsivity model provides a framework that can be used now to build more effective treatment programs for sexual offenders.

SOTEP's 1984 treatment model may have fallen short of today's state of the art in some areas, but in others it was quite up to date, for example, our measurement of treatment progress. We found some interesting and encouraging trends in the data from our in-treatment measures, most importantly that RP participants who "got" treatment (had good posttreatment scores on a simple additive scale) reoffended at lower rates than those who didn't. This difference was significant for child molesters (over three quarters of our sample) but not for rapists, a finding that may reflect our scale's emphasis on deviant sexual interests. It also suggests that a one-size-fits-all measure of treatment progress should not be used with diverse groups of offenders.

Our "Got It" scale was also a significant predictor of sexual reoffense for the high-risk offenders in our sample. Within that subgroup, individuals who didn't "get" the treatment had a much higher sexual reoffense rate (50%) than those who did (10%). Although this finding was based on a small ($n = 36$) subgroup of treated offenders, it is consistent with other recent studies in which assessments made during or after treatment have been found to increase the accuracy of reoffense predictions made by actuarial assessments alone (Beech, Fisher, & Thornton, 2003; Beech, Friendship, Erikson, & Hanson, 2002; Thornton, 2001). It is also similar

to the finding reported by Langton, Barbaree, Seto, Harkins, and Peacock (2002) that their high-risk (psychopathic) offenders with poor treatment behavior had the highest risk of recidivism. In a broader sense, our results are supportive of the field's current emphasis on the measurement of dynamic factors that predict reoffense (Hanson & Harris, 2000) or indicate treatment benefit (Mann & Thornton, 2000; Thornton, 2002).

Because "Got It" was composed of ad hoc measures and was not cross-validated, we do not recommend this home-grown measure for use elsewhere. We do, however, encourage others studying treatment outcomes to include relevant in-treatment measures in their designs. Standardized, empirically-validated measures of treatment progress are badly needed in this field to enhance our ability to understand the relationships between short-term and long-term treatment effects.

Although SOTEP was most concerned with measuring the effects of treatment, our strongest findings were in the area of static risk factors. Even our shortened version of Hanson and Thornton's Static-99 (2000) turned out to be a powerful predictor of sexual reoffense risk and an important covariate in our analyses. To avoid potentially misleading distortions in study results, we urge researchers who plan to assess the effects of treatment to control for prior risk by using an appropriate actuarial measure for both treatment and comparison groups.

The most important safeguard against misleading results, however, remains a randomized design. Some (e.g., Hanson, 1997b) have argued against investing heavily in longitudinal studies of small, innovative programs such as SOTEP, suggesting that it is probably more productive to conduct a range of less elaborate studies that can be combined to yield sound evidence regarding treatment effects. Although we have also encouraged real-world programs to collect outcome data and contribute to our developing knowledge base on treatment effectiveness (Marques, 1999), we do not agree that this is all that is required. Our results underscore the importance of including adequate comparison groups in treatment outcome studies. It may be difficult to obtain funding and to conduct randomized clinical trials but we strongly believe that more of these are needed to move this field forward.

If we were to design a new test of treatment now, we would do some things differently than we did 20 years ago. We would make sure that the program (a) had treatment intensity and content that were tailored to offenders' risk levels, treatment needs and responsivity factors; (b) regularly monitored progress toward treatment goals to make sure that participants were "getting" the treatment provided; and (c) had an aftercare component based on an individualized, interdisciplinary case management model, not just on therapy sessions. We would also make some changes in the study design, such as (a) including more high-risk offenders; (b) conducting pretreatment assessments on all participants; and (c) increasing the sample size to shorten the follow-up period needed. We would not, however, design a study with a less rigorous evaluation component than

SOTEP. Questions about whether and when sexual offenders can be treated are extremely important, not just to our field but to victims, policy makers and the public. The only way to provide answers with confidence is to build a knowledge base on thoughtful and well-controlled studies of treatment effectiveness.

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21 January 2006

Mr. Robin W. Swartz
 P.O. Box 210094
 Auke Bay, Alaska 99821-0094
 (907) 523-8143

To the Honorable:

Frank Murkowski	R	Governor
Senator Kim Elton	D	Juneau
Representative Beth Kerttula	D	Juneau
Representative Bruce Weyhrauch	R	Juneau

As the House and Senate debate the issue of Sexual Crimes against our children and punishment for the sex offenders, I would like you to consider the following for offenses against a child under the age of 13 for rape, sodomy, forced sexual acts, molestation and other like crimes.

For the first offense a mandatory sentence of incarceration should be set between an absolute minimum of 25 years to a maximum of 40 years.

In Alaska we had the case of a Wasilla man convicted on five counts of sexually abusing his girlfriend's daughter from the time the girl was 9 until she was 15. In cases that show a child was sexually abused repeatedly, or abused for years, or when multiple children were sexually abused by the same individual; a set of special penalties should be attached to the crime. Even if this is the first time the offender was caught, the repeat offenses are already committed. Second offense penalties should be mandatory with the sentence of 40 years at a minimum to life imposed. We also must assure that the first sex crime does not have to be in Alaska for the 40 year minimum to be imposed.

We have the highest rate of sexual crimes for the nation. We should all be ashamed. We also have a duty to fix this situation and show sexual offenders that they are not welcome in Alaska.

Another way to protect our children is to have a law against convicted sexual predators coming to Alaska without the approval of the state and or registering with the state before coming here. This should include tourists visiting Alaska as well.

Penalties for being present in Alaska while a registered sex offender, or convicted and not registered, from anywhere in the world — without state knowledge and prior approval — should be a minimum of 2 to 5 years at hard labor and expulsion from the state. If the intent was to hide and repeat offend in Alaska — to include possession and trafficking in child pornography — then up to 10 years should be added to any conviction for a sexual offence with the minimum of 5 years imposed — 2 to 5 of those years at hard labor, then expulsion from Alaska. A seizure of all assets should be considered as well.

Those presently hiding in the State when this law is passed and haven't committed any other sex crime should have thirty days to register and face expulsion from Alaska, if wanted in another state or country. Those found after the thirty days may expect the whole of the law to be applied regardless of when they came to Alaska.

If a person is convicted of a first offense and sentenced as a first time offender, then later it is discovered that the individual was convicted of a prior sex crime, a 40 year minimum sentence is automatically imposed unless a prosecutor requests a new sentencing hearing to seek more than 40 years. An additional 5 to 10 year add on sentence — with 2 to five years at hard labor — for being a convicted sex offender hiding in Alaska, would also be imposed if the offender was not registered with the state.

I like the proposed polygraph test for released offenders and would suggest internet re-registration with the state once a month as well. I am not opposed to treatment for the offender and hope it helps, but the best answer is to stop the cycle of these sex crimes.

Often offenders were abused children. Many victims go on to a life of drug use and a life of misery. In the case of young girls, many end up prostituting on the streets and often it's to get money for a drug addiction. Young boys have also ended up in a life of prostitution as well. Instead of providing treatment and rehabilitation at state expense for these victims, I propose that all assets in the abusers name be seized to provide for the treatment of the victims. Discretion must be observed and care taken to ensure the seizure of assets does not put the innocent at risk. Then I feel the state should continue treatment after the seized assets are exhausted.

We have the largest state in the union and there are vast areas where someone could hide a child and their activities. Then they could commit their egregious behavior against our children in relative solitude. When I hear of a missing child in Alaska or even a runaway child, I shudder to think what could be happening in our state.

First and most important, the child victim must know that the person or persons who harmed them will never be able to harm them or any other child again during their childhood. Also we must allow a generation of children, from those born at the time of sentencing, to have a childhood free from those individuals. We owe them that.

We will not solve this problem in society. If however, we protect our children, we will start to see generations of children not having to fear shadows, and then I think we will produce a generation enlightened enough to solve this problem. We owe them that chance and until then we must aggressively protect them.

Robin W Swartz

Cc: Sen. Con Bunde, R-Anchorage
Sen. Gretchen Guess, D-Anchorage,
Rep. Mark Neuman, R-Big Lake
Bill O' Reilly Fox News

Constance Hartle

From: Dealy Blackshear [blackie_son@yahoo.com]
Sent: Sunday, January 29, 2006 1:20 PM
To: Sen. Con Bunde
Subject: sex offenders

Dear Sen. Bunde,

I am a clinical social worker in Nome. I have been fortunate to work in ten of this region's villages, and come to know many of the people and here and their problems quite well. I applaud the efforts you're making to extinguish the sex abuse problems in the state. Your aim is true and you are right on target. May I add some thoughts to your quiver.

At Anvil Mountain Correctional Center, prisoners are informally placed in units where other members or their family are kept. Incarceration is a nuisance, not a punishment.

In one case I know of, a man fondled seven little girls at an elementary school where he worked. He was charged with six. He was offered a plea bargain on one count. The little boys in the villages see that old uncle Joe did this thing or that thing to little girls, and came home in 18 months, or 26 months or 90 days. This is no way to train the boys to refrain.

One of my clients was raped by a non-relative in her bedroom repeatedly from the time she was 11 until she was 14. He threatened to kill her family if she told. At age 14, her mother asked finally why she kept coming to sleep with mom and dad at her age. She told. The man was imprisoned. He got out and raped someone else. He was imprisoned again. He got out and raped again. He was imprisoned a 3rd time. This time when he got out, the village prohibited him from coming back. The woman now 25 years old, sought counseling for major depression. She sleeps with a light on and a chest of drawers in front of the door. After ten years the man came home. The now 27 year old woman saw him on the street in her village, and he waved and smiled broadly at her. She moved out of the village. Prison does not help.

We need to change the focus from punishing the offender, to protecting the victim. Please consider the following suggestions:

Any person convicted of a sex crime, may not reside, visit or pass through any village, town or area where the victim of that sex crime lives. That convicted person may not place himself or herself within 25 miles of that victim. If the victim of that crime was a minor at the time of the offense, this distance prohibition is in effect until that victim reaches age 31. If that victim was age 21 or over, that convicted person must maintain that distance for a minimum of ten years. Upon expiration of that distance prohibition, the victim of that sex crime has the right to freedom from intimidation in any manner from that convicted person. Upon proof of intimidation, in addition to any penalties incurred as a result of that intimidation, the distance prohibition shall be extended for 2 years.

Stalking

Any person convicted of stalking the victim of a sex crime, if that convicted person is proven to be family or friend of a person convicted of a sex crime against that victim, or in any way intimidates that victim, that person shall be incarcerated for a minimum of 90 days, and shall forfeit the PFD for one year.

For the person furnishing information leading to the conviction of that person committing the stalking

offense, half the forfeited PFD shall be given as a reward.

Any person convicted of a sex crime, may not possess, borrow, rent, shoot, repair, load, handle, touch or in any other manner use a firearm. For that convicted person that does possess, borrow, rent, shoot, repair, load or in any other manner use handle or touch a firearm, that crime is punishable by two years in prison, per occurrence.

Any person that allows a person convicted of a sex crime access in any manner to a firearm, that person is guilty of a felony, punishable by one year in prison.

Any person aged 21 or over convicted of a sex crime against a minor is guilty of a felony, punishable by a mandatory incarceration minimally not considered completed until the victim of that crime has reached age 21. That convicted person shall forfeit PFD for 20 years.

For the person furnishing information leading to the conviction of that person committing the sex offense, one quarter of the forfeited PFD shall be given as a reward.

Any person convicted of a felony sex crime against a minor regardless of perpetrator's age, must serve a minimum incarceration of two years, and forfeiture of PFD for 20 years.

For the person furnishing information leading to the conviction of that person committing the sex offense, one quarter of the forfeited PFD shall be given as a reward.

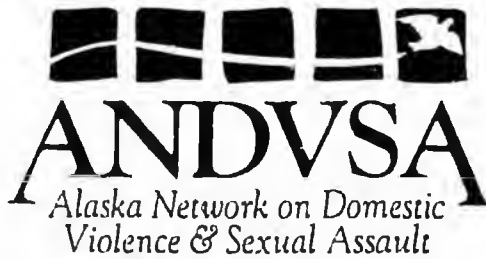
The local communities have difficulty policing sex offenders- every sex offender is someone's son, cousin, uncle, nephew, brother or father. Every woman wants protection from the molester in another family clan, but they do not want their own daddy or son sent away. Victims are routinely ostracized and harrassed for complaining when they are victimized. It will be up to society as a whole (the state) to legislate and protect people that cannot protect themselves.

Thank you for taking the time to read my email. If I can be of any assistance, please don't hesitate to contact me.

Dealy Blackshear LCSW

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Sitka Office
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Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

January 30, 2006

The Honorable Senator Con Bunde
State Senate
Alaska State Capitol
Juneau, AK 99801-1182


Dear Senator Bunde:

The Alaska Network on Domestic Violence & Sexual Assault is a coalition of member shelter and community based programs across the state who provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to offer you our support for Senate Bill 218 – An act which requires persons on probation for a sex offense to submit to regular periodic polygraph examinations; increases presumptive ranges for 1st, 2nd, 3rd degree sexual assault or sexual abuse of a minor, incest, indecent exposure in the 1st degree, possession of child pornography, or attempt, conspiracy, or solicitation to commit sexual assault or sexual abuse of a minor in the 2nd degree, unlawful exploitation of a minor or distribution of child pornography; specifies the penalty for failing to report a convicted sex offender.

We appreciate your guidance and leadership in addressing these heinous crimes that wreak havoc on the lives of Alaskans and their children through the generations. It speaks to the fact that Alaska is willing to get tough on these crimes. We cannot merely be informed by the statistic that we are number one in the nation for reported sexual assaults; we must act. It is time we increase sentencing to hold offenders and those who remain silent about them accountable. We fully endorse a containment model of continuous polygraphing of convicted sex offenders.

If I can be of further service to your endeavors, please let me know.

Sincerely,



Peggy Brown
Executive Director

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC
Homer SPHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

Constance Hartle

From: Vivian Geroux [stuckupnorth@gmail.com]
Sent: Saturday, January 21, 2006 5:23 PM
To: Sen. Con Bunde
Subject: concerning sex offenders

Dear Mr. Bunde,

I am writing out of extreme concern regarding so many sex offenders out in our neighborhoods. It is frightening to know that a person would commit such crimes--but more frightening to me is that once is not enough to keep them locked up and away from society. Most are let out again and become "repeat offenders" This is unacceptable. I will not pretend I know any laws in specific regarding sex offenders because I do not. I am shocked, however, to know the nature of these crimes against the innocent entail so little punishment. As a greatly concerned parent, a good citezen and a registered voter in your district, I am educating myself on this crucial issue and hope to make a difference by excersising my voting right. It is my hope and prayer that a mai. in your position would take this matter very seriously and do all that you can to put a stop to these horrific crimes against the innocent. Please do not delay--you have my support in backing stricter laws along with thousands of other people. I thank you for your service in our community and state and for taking the time to read this.

Sincerely, Vivian Geroux

Constance Hartle

From: robin swartz [robinprime@yahoo.com]
Sent: Sunday, January 22, 2006 9:16 PM
To: Sen. Con Bunde
Subject: Public Opinion Message



Public Opinion
Message 21 Janu...

Senator Bunde

I have written a letter to my Representatives here in Juneau regarding stiffer penalties for sex offenders.

Because you are sponsoring a bill in this area i have also attached a copy for your information and consideration Thank You Robin W Swartz

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

Constance Hartle

From: April Warwick [analw2@uaa.alaska.edu]
Sent: Thursday, January 26, 2006 12:46 PM
To: Sen. Con Bunde
Subject: Wanting to help

Hello Con Bunde:

My name is April Warwick. In the Anchorage Daily News, I saw an article stating your plans to create stricter laws for individuals who sexually abuse children. I'd like to encourage you to continue your work, it's well needed. Personally, I think offenders of children should get mandatory life sentences. This is an issue I want to work on more in the future and I'm looking for ways I could be helpful. Is there anything I could do to help you? Are there any groups working on this issue that I could work with?

April Warwick
5716 Kennyhill Drive
Anchorage, AK 99504
(907) 338-7777 (hm)
(907) 264-6255 (wk)

Constance Hartle

From: Dan Carothers [carothers@alaska.net]
Sent: Thursday, February 02, 2006 1:07 PM
To: Sen. Con Bunde
Subject: Senate Bill 218
Importance: High

Honorable Con Bunde:

My name is Dan Carothers and I have recently retired after over 28 years from the Department of Corrections here in Alaska. During this period I worked as a Correctional Officer, Probation Officer (Jail & Field), and Superintendent in several of our States Correctional Centers. I currently am a commercial fisherman and work on several corrections related projects, in the private sector.

I am in support of Senate Bill 218, especially as to it's mandating periodic polygraphing of sex offenders and habitual criminals. DOC has stated that during it's recent polygraph of sex offenders that for each offender an additional 163 victims and 504 additional offenses were discovered (RFP # 2006-2000-5613). This is information unknown until the recent use of polygraphing sex offenders, and reflects a high public safety risk to our community. With this high risk, I would like to make a recommendation;

With public safety at such a risk from sexual predators, without the additional support of polygraphing sex offenders, to Probation/Parole Officers, the effective date on this bill should be within 60 days of it's passing. I believe this will be the appropriate message from the legislature as to the importance of this piece of legislation, it will encourage DOC to implement polygraphing of high risk offenders sooner, and better protect the public.

The Department of Corrections "Mission Statement" is;

"To Protect the Public by Incarcerating and Supervising Offenders."

Your efforts and Senate Bill 218 reflect positively on protecting innocent victims that occur by offenders under Probation and Parole supervision. Using polygraph technology as an aide to help Probation/Parole Officers supervise, should not be delayed for any reason, and I would again recommend the effective date of Bill 218 be short and encourage DOC to implement this new supervision aide ASAP.

Thank you for this Bill and your consideration;

Dan Carothers
Superintendent (retired)
(907) 957-3140

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

VIOLENT CRIMES COMPENSATION BOARD

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110230
JUNEAU, ALASKA 99811-0230
PHONE: (907) 465-3040
TOLL FREE: 1-800-764-3040
FAX: (907) 465-2379

February 16, 2006

The Honorable Senator Bunde
State Capitol, Room 506
Juneau, AK 99801-1182

Re: SB218

Dear Senator Bunde:

The Violent Crimes Compensation Board applauds the Senate passage of SB 218. In the course of doing business, we have seen the destruction that repeat offenders wreak upon their victims, the families of their victims, our communities, and our state.

We thank you for your tireless work on behalf of Alaska's crime victims.

Respectfully,



Gerard Godfrey
Chair

To the contrary, research shows lie-detector test to be effective tool

Mr. Holmstrom's comments are not specific to sex offenders ("It's high time we lose the idea

that lie detectors can help us," Jan. 27). Research shows that lie detectors are a very effective treatment and/or supervision tool for sex offenders.

The state of Colorado has compelling research that clearly shows a marked increase in the number of reported victims, using polygraph versus not, with sex offenders entering sex-offender treatment. Polygraph not only increases the number of reported sexual perpetrator victims (which informs as to the dangerousness of the sex offender), but it also cuts through months of denial and wasted treatment dollars as sex offenders continue to deny crimes because they are not subject to a polygraph.

Most important is that a polygraph is effective in identifying perpetrators who are engaging in high-risk behavior, i.e., contact with children, because the offender knows that they must undergo polygraph. Many sex offenders who must undergo polygraph admit to high-risk behavior without ever having completed a polygraph. How would you react if an official agency required you to complete a polygraph test as to your behavior?

Therein lies the usefulness of polygraph testing for sex offenders. If you were a sex offender, would you prefer to be supervised or receive treatment with or without polygraph? Why? These questions are at the heart of why a polygraph is useful as a supervision and treatment tool for sex offenders.

— Memoree Cushing
Ellensburg, Wash.

■ Editor's note: The writer is a former State of Alaska worker who helped oversee sex offenders after their release.

Anchorage Daily News

Daily News Letters

Withdrawn
3/7/06

AMENDMENT

2

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: CSSB 218(FIN)

- 1 Page 5, line 4:
- 2 Delete "99"
- 3 Insert "40"
- 4
- 5 Page 5, lines 7 - 8:
- 6 Delete "five to 15 [TWO TO FOUR]"
- 7 Insert "two to six [FOUR]"
- 8
- 9 Page 5, lines 10 - 11:
- 10 Delete "10 to 25 [FIVE TO EIGHT]"
- 11 Insert "five to 12 [EIGHT]"
- 12
- 13 Page 5, line 16:
- 14 Delete "20 to 35 [10 TO 14]"
- 15 Insert "10 to 30 [14]"
- 16
- 17 Page 5, line 19:
- 18 Delete "99"
- 19 Insert "25 to 40"
- 20
- 21 Page 5, line 24:
- 22 Delete "99"
- 23 Insert "20"

1 Page 5, lines 27 - 28:

2 Delete "one to 12 [ONE TO TWO]"

3 Insert "one to four [TWO]"

4

5 Page 5, lines 30 - 31:

6 Delete "eight to 15 [TWO TO FIVE]"

7 Insert "two to seven [FIVE]"

8

9 Page 6, line 2:

10 Delete "12 to 20"

11 Insert "five to 12"

12

13 Page 6, lines 5 - 6:

14 Delete "15 to 25 [THREE TO SIX]"

15 Insert "three to 12 [SIX]"

16

17 Page 6, line 8:

18 Delete "99"

19 Insert "nine to 20"

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class B Felony Sex Offense (SA 2, SAM 2, etc)	CURRENT LAW	2-4	2-4	5-8	10-14*	10-14	15-20*	20
	SB218	5-15	5-15	10-25	15-30*	20-35	99*	99
	AMENDMENT 2	2-6	2-6	5-12	15-30* NO CHANGE	10-30	25-40*	40
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	1-12	1-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 2	1-4	1-4	2-7	5-12*	3-12	9-20*	20

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
 [2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not effect any enhancement for aggravating factors under AS 12.55.155(c).

Withdrawn
3/7/06

24-LS1307\R.3
Luckhaupt
2/28/06

AMENDMENT 3

OFFERED IN THE HOUSE
TO: CSSB 218(FIN)

BY REPRESENTATIVE KERTTULA

- 1 Page 3, line 21:
- 2 Delete "25 to 30"
- 3 Insert "12 to 20"
- 4
- 5 Page 3, line 22:
- 6 Delete "20 to 30"
- 7 Insert "10 to 18"
- 8
- 9 Page 3, line 26:
- 10 Delete "25 to 35"
- 11 Insert "14 to 24"
- 12
- 13 Page 3, line 28:
- 14 Delete "30 to 40 [15 TO 20]"
- 15 Insert "15 to 30 [20]"
- 16
- 17 Page 4, lines 3 - 4:
- 18 Delete "40 to 60 [25 TO 35]"
- 19 Insert "25 to 50 [35]"
- 20
- 21 Page 4, line 7:
- 22 Delete "99"
- 23 Insert "40 to 80"

- 1
- 2 Page 4, line 10:
 - 3 Delete "99"
 - 4 Insert "60"
 - 5
- 6 Page 4, line 15:
 - 7 Delete "20 to 25"
 - 8 Insert "seven to 15"
 - 9
- 10 Page 4, lines 16 - 17:
 - 11 Delete "15 to 25 [FIVE TO EIGHT]"
 - 12 Insert "five to 12 [EIGHT]"
 - 13
- 14 Page 4, line 20:
 - 15 Delete "25 to 35"
 - 16 Insert "12 to 21"
 - 17
- 18 Page 4, line 22:
 - 19 Delete "25 to 35 [12 TO 16]"
 - 20 Insert "12 to 24 [16]"
 - 21
- 22 Page 4, line 29:
 - 23 Delete "35 to 50 [15 TO 25]"
 - 24 Insert "15 to 38 [25]"
 - 25
- 26 Page 5, line 1:
 - 27 Delete "99"
 - 28 Insert "30 to 60"

OTHER CRIMES:	1st Felony Sentence	
Murder 1	20-99 years	
Attempted Murder 1	5-99 years	
Murder 2	10-99 years	
Manslaughter	5-8 years	

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Unclassified Sex Offense (SA 1, SAM 1)	CURRENT LAW	8-12	12-16	15-20	20-30*	25-35	30-40*	99
	SB218	25-30 (Victim <13) 20-30 (Victim >13)	25-35	30-40	35-45*	40-60	99*	99
	AMENDMENT 1	12-20 (Victim <13) 10-18 (Victim >13)	14-24	15-30	35-45* NO CHANGE	25-50	40-80*	99
Class A Felony Sex Offense (Att. SA1, Att. SAM 1)	CURRENT LAW	5-8	10-14	12-16	15-20*	15-25	20-30*	30
	SB218	20-25 (Victim <13) 15-25 (Victim >13)	25-35	25-35	30-40*	35-50	99*	99
	AMENDMENT 1	7-15 (Victim <13) 5-12 (Victim >13)	12-21	12-24	30-40* NO CHANGE	15-38	30-60*	60

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
[2003 Changes took away good time if defendant had a prior sex felony conviction.]

Those sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c)

Failed

3/7/06

24-LS1307AU.2
Luckhaupt
3/7/06

AMENDMENT

4

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

1 Page 4, line 5:

2 Delete "25 to 35"

3 Insert "12 to 20"

4

5 Page 4, line 6:

6 Delete "20 to 30"

7 Insert "10 to 18"

8

9 Page 4, line 10:

10 Delete "25 to 35"

11 Insert "14 to 24"

12

13 Page 4, line 12:

14 Delete "30 to 40 [15 TO 20]"

15 Insert "15 to 30 [20]"

16

17 Page 4, lines 18 - 19:

18 Delete "40 to 60 [25 TO 35]"

19 Insert "25 to 50 [35]"

20

21 Page 4, line 22:

22 Delete "99"

23 Insert "40 to 80"

1

2 Page 4, line 25:

3 Delete "99"4 Insert "60"

5

6 Page 4, line 30:

7 Delete "20 to 30"8 Insert "seven to 15"

9

10 Page 4, line 31, through page 5, line 1:

11 Delete "15 to 30 [FIVE TO EIGHT]"12 Insert "five to 12 [EIGHT]"

13

14 Page 5, line 4:

15 Delete "25 to 35"16 Insert "12 to 21"

17

18 Page 5, line 6:

19 Delete "25 to 35 [12 TO 16]"20 Insert "12 to 24 [16]"

21

22 Page 5, line 13:

23 Delete "35 to 50 [15 TO 25]"24 Insert "15 to 38 [25]"

25

26 Page 5, line 16:

27 Delete "99"28 Insert "30 to 60"

29

30 Page 5, line 19:

31 Delete "99"

1 Insert "40"

2

3 Page 5, lines 22 - 23:

4 Delete "five to 15 [TWO TO FOUR]"

5 Insert "two to six [FOUR]"

6

7 Page 5, lines 25 - 26:

8 Delete "10 to 25 [FIVE TO EIGHT]"

9 Insert "five to 12 [EIGHT]"

10

11 Page 5, line 31:

12 Delete "20 to 35 [10 TO 14]"

13 Insert "10 to 30 [14]"

14

15 Page 6, line 3:

16 Delete "99"

17 Insert "25 to 40"

18

19 Page 7, line 23:

20 Delete "15"

21 Insert "10"

22

23 Page 7, line 24:

24 Delete "three"

25 Insert "four"

26

27 Page 7, line 25:

28 Delete "10"

29 Insert "five"

1st Felony Sentence	
OTHER CRIMES: Murder 1	20-99 years
Attempted Murder 1	5-99 years
Murder 2	10-99 years
Manslaughter	5-8 years

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Unclassified Sex Offense (SA 1, SAM 1)	CURRENT LAW	8-12	12-16	15-20	20-30*	25-35	30-40*	99
	SB218	25-35 (Victim <13) 20-30 (Victim >13)	25-35	30-40	35-45*	40-60	99*	99
	AMENDMENT 1	12-20 (Victim <13) 10-18 (Victim >13)	14-24	15-30	35-45* NO CHANGE	25-50	40-80*	99
Class A Felony Sex Offense (Att. SA1, Att. SAM 1)	CURRENT LAW	5-8	10-14	12-16	15-20*	15-25	20-30*	30
	SB218	20-30 (Victim <13) 15-30 (Victim >13)	25-35	25-35	30-40*	35-50	99*	99
	AMENDMENT 1	7-15 (Victim <13) 5-12 (Victim >13)	12-21	12-24	30-40* NO CHANGE	15-38	30-60*	60

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
[2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class B Felony Sex Offense (SA 2, SAM 2, etc)	CURRENT LAW	2-4	2-4	5-8	10-14*	10-14	15-20*	20
	SB218	5-15	5-15	10-25	15-30*	20-35	99*	99
	AMENDMENT 1	2-6	2-6	5-12	15-30* NO CHANGE	10-30	25-40*	40

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
[2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

HOUSE FINANCE COMMITTEE ROLL CALL

SB 218

DATE: 3/7/06

Amendment: #4

Oct V
1 - 2

F

MEMBER

Favor

Oppose

MOSES	✓	
STOLTZE		✓
WEYHRAUCH		
FOSTER		
HAWKER		✓
HOLM		✓
JOULE		✓
KELLY		✓
KERTTULA	✓	
MEYER		✓
CHENAULT		✓

3/7/06

Fail

AMENDMENT *5*

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

1 Page 6, line 8:

2 Delete "99" *No longer there*

3 Insert "20"

4

5 Page 6, lines 11 - 12:

6 Delete "two to 12 [ONE TO TWO]"

7 Insert "one to four [TWO]"

8

9 Page 6, lines 14 - 15:

10 Delete "eight to 15 [TWO TO FIVE]"

11 Insert "two to seven [FIVE]"

12

13 Page 6, line 17:

14 Delete "12 to 20"

15 Insert "five to 12"

16

17 Page 6, lines 20 - 21:

18 Delete "15 to 25 [THREE TO SIX]"

19 Insert "three to 12 [SIX]"

20

21 Page 6, line 23:

22 Delete "99"

23 Insert "nine to 20"

1

2 Page 7, line 26:

3 Delete "two"

4 Insert "one"

5 Delete "five"

6 Insert "four"

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	2-12	2-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 2	1-4	1-4	2-7	5-12*	3-12	9-20*	20

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
 [2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

HOUSE FINANCE
COMMITTEE
ROLL CALL

SB 218

Fail

DATE: _____

Amendment: #5

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
STOLTZE		✓
WEYHRAUCH		
FOSTER		
HAWKER		✓
HOLM		✓
JOULE		✓
KELLY		✓
KERTTULA	✓	
MOSES	✓	
CHENAULT		✓
MEYER		✓

Fwd
3/7/06

AMENDMENT

6

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

- 1 Page 4, line 5:
- 2 Delete "25 to 35"
- 3 Insert "15 to 35"
- 4
- 5 Page 4, line 6:
- 6 Delete "20 to 30"
- 7 Insert "10 to 30"
- 8
- 9 Page 4, line 10:
- 10 Delete "25 to 35"
- 11 Insert "20 to 35"
- 12
- 13 Page 4, line 30:
- 14 Delete "20 to 30"
- 15 Insert "10 to 30"
- 16
- 17 Page 4, line 31, through page 5, line 1:
- 18 Delete "15 to 30 [FIVE TO EIGHT]"
- 19 Insert "five to 30 [EIGHT]"
- 20
- 21 Page 5, line 4:
- 22 Delete "25 to 35"
- 23 Insert "20 to 35"

1

2 Page 7, line 23:

3 Delete "15"

4 Insert "10"

5

6 Page 7, line 24:

7 Delete "three"

8 Insert "two"

9

10 Page 7, line 25:

11 Delete "10"

12 Insert "five"

OTHER CRIMES:	1st Felony Sentence	
	Murder 1	20-99 years
	Attempted Murder 1	5-99 years
	Murder 2	10-99 years
	Manslaughter	5-8 years

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Unclassified Sex Offense (SA 1, SAM 1)	CURRENT LAW	8-12	12-16	15-20	20-30*	25-35	30-40*	99
	SB218	25-35 (Victim <13) 20-30 (Victim >13)	25-35	30-40	35-45*	40-60	99*	99
	AMENDMENT 3	15-35 (Victim <13) 10-30 (Victim >13)	20-35	No change	No Change	No Change	No Change	No Change
Class A Felony Sex Offense (Att. SA1, Att. SAM 1)	CURRENT LAW	5-8	10-14	12-16	15-20*	15-25	20-30*	30
	SB218	20-30 (Victim <13) 15-30 (Victim >13)	25-35	25-35	30-40*	35-50	99*	99
	AMENDMENT 3	10-30 (Victim <13) 5-30 (Victim >13)	20-35	No change	No Change	No Change	No Change	No Change

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
[2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c)

HOUSE FINANCE COMMITTEE ROLL CALL

Talos

DATE: _____

Amendment: #60

MEMBER

Favor

Oppose

WEYHRAUCH		
FOSTER		
HAWKER		✓
HOLM		✓
JOULE		✓
KELLY		✓
KERTTULA	✓	
MOSES		✓
STOLTZE		✓
MEYER		✓
CHENAULT		✓

Withdrawn 3/7/06

24-LS1307\U.4
Luckhaupt
3/7/06

AMENDMENT

7

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

- 1 Page 3, line 14:
- 2 Delete "recklessly"
- 3 Insert "knowingly"

Withdrawn 3/7/06

24-LS1307\U.5
Luckhaupt
3/7/06

AMENDMENT *3*

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

1 Page 6, lines 11 - 12:

2 Delete "two to 12 [ONE TO TWO]"

3 Insert "one to four [TWO]"

4

5 Page 7, line 26:

6 Delete "two years"

7 Insert "one year"

8 Delete "five"

9 Insert "four"

Sex Crimes Sentencing Comparison								
		1st Felony	1 st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	2-12	2-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 5	1-4	No Change	No Change	No Change	No Change	No Change	No Change

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
 [2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

amended
3/7/06

24-LS1307U.7
Luckhaupt
3/7/06

AMENDMENT 9

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

- 1 Page 6, line 8:
- 2 Delete "99"
- 3 Insert "35"
- 4
- 5 Page 6, line 20:
- 6 Delete "99"
- 7 Insert "35"

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	2-12	2-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 6	No Change	No Change	No Change	No Change	No Change	35	35

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
 [2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

Withdrawn
3/7/06

24-LS1307\U.6
Luckhaupt
3/7/06

AMENDMENT

10

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

- 1 Page 6, lines 11 - 12:
- 2 Delete "two to 12 [ONE TO TWO]"
- 3 Insert "one to 12 [TWO]"

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	2-12	2-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 7	1-12	No Change	No Change	No Change	No Change	No Change	No Change

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
 [2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

Replaced

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSSB 218(JUD)
(S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to periodic polygraph examinations... RDU Legal and Advocacy Services
Component Public Defender Agency
Sponsor Senator Bunde
Requester (S) Finance Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This act increases the periodic presumptive sentencing ranges for a certain sex offense; it includes a 99-year mandatory penalty for individuals with two prior sex felony convictions. This bill also requires individuals convicted of sex offenses to submit to a polygraph examination.

Due to the penalty increases, this bill will likely result in pressures that tend to increase criminal trials and increase the work necessary to prepare a case for trial or plea negotiation, thus putting an upward pressure on our case costs. The increased pressure, however, is indeterminate but may be mitigated by factors external to the Public Defender Agency, such as an offsetting plea bargaining policy. The Public Defender Agency, therefore, submits an indeterminate fiscal note.

Prepared by: Quinlan Steiner, Director Phone 907.334.4414
Division Public Defender Agency Date/Time 1/17/06 1:00 p.m.
Approved by: Mike Tibbles, Deputy Commissioner Date _____
Agency Administration



Alaska State Legislature

Please enter into the record my testimony to the House Finance
 committee name
 committee on SB 218, dated 04/03/06
 bill/subject

- I don't want to live in the rape capital of the Nation anymore.
- Please pass SB 218
 - A. A minimum sentence of 25 yrs.
 - B. A maximum sentence of 40 yrs. without parole.

Signed: Louie Jones Jr
 Testifier

Representing (Optional)
1023 W. 26th Ave, Apt #301, Anchorage
 Address
278-0919
 Phone No.