HB

219

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 15, 2005 **FURTHER REFERRALS: Finance**

Date of Committee Action: March 23, 2005

The JUDICIARY Committee considered: **HB 219**

HOUSE BILL NO. 219 **STRANGULATION CRIMES**

"An Act relating to crimes and dangerous instruments."

Recommends it be replaced with [ ] HCS *or* **[ ] CS** *for* _____(_____)
*For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR*_____ [ ] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

NEW **FISCAL NOTES** *Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
CRT				✓
LAW				✓
DPS				✓
ADM			✓	

PREVIOUS **FISCAL NOTES**				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	Gruenberg	–			
	Pett	–			
	Gara	–			
	Dahlstrom	X			
Chair:	McGuire	✓			
Chair:					

24-LS0582\G.1
Luckhaupt
3/21/05

not offered

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE

TO: HB 219

1 Page 1, line 1:

2 Delete "**crimes and dangerous instruments**"

3 Insert "**the definition of 'dangerous instrument' as applied within the criminal**

4 **code**"

Municipality of Anchorage

4501 Bragaw Street • Anchorage, Alaska 99507-1599 • Telephone (907) 786-8500 • http://www.muni.org

Mayor Mark Begich

Anchorage Police Department

March 17, 2005

Representative Mike Hawker
State Capitol, Room 434
Juneau, AK 99801-1182

Dear Representative Hawker,

I understand that a bill regarding strangulation has been introduced to the House of Representatives. Several of our Department members have been conferring with Tara Henry about what is being proposed. I would like to provide support for the passing of this bill.

The State of Alaska faces multiple challenges in combating the elevated rate of crimes involving sexual assault and domestic violence. All too often, we learn that some form of strangulation occurred during the commission of these crimes. Individuals who perpetrate this type of violence against another person are using it as the ultimate form of control. Through the use of one's hands or another object to impede normal breathing or circulation, they are sending a message to the victim that they control their life.

In recent years, we are becoming more aware of the prevalence of strangulation as well as the extreme danger associated. The Anchorage Police Department has proactively responded to this information by educating all of our officers about how to recognize and respond to these incidents. An imperative part of this response package involves the prosecution of those who perpetrate these crimes. The proposed change in statute regarding the definition of dangerous instrument would add greatly to the ease of both charging and prosecuting these suspects.

I appreciate your willingness to carry this through. If you require any assistance from the Anchorage Police Department, please don't hesitate to call me personally.

Sincerely,

Walt Monegan
Chief of Police

WM/ga

From: lisa rea [lisadrew@alaska.com]
Sent: Tuesday, March 22, 2005 7:54 AM
To: Juli Lucky
Subject: Strangulation bill

Representative Hawker,

As a resident of Anchorage, a Public Health Nurse and a Sexual Assault Nurse Examiner I want to thank you for your support of house bill 219, strengthening the statutes to increase strangulation from a misdemeanor to a felony. This bill is an opportunity to recognize the seriousness of strangulation. If you have any questions about why I support this I can be reached at 349-9941.

Thank you
Lisa Rea, RN

Forensic Nurses Association of Alaska
PO Box 771833
Eagle River, Alaska 99577

February 4, 2005

To Whom It May Concern:

The Forensic Nurses Association of Alaska supports the proposed statutory changes to include strangulation as a felony assault. Strangulation is a very serious, sometimes fatal physical assault that is commonly seen in domestic violence and sexual assault cases. When a person is being strangled, they are at a substantial risk for death. The victim becomes unconscious within seconds and death can occur within minutes.

It is well documented in the latest research that strangulation is one of the top five risk factors for a domestic violence homicide. Women who are strangled by an intimate partner are at a 9.9 times higher risk for being murdered by their partner than other women.

The State of Alaska leads the nation in the number of domestic violence homicides per capita. The proposed statutory changes that will include strangulation as a felony assault is a proactive approach to preventing domestic violence homicides, and is desperately needed in our state. In addition, the proposed changes will finally address this life threatening assault at the level of seriousness that it is.

The Forensic Nurses Association of Alaska fully supports and encourages this statutory change.

Sincerely,

Carol Odinzoff RN

Carol Odinzoff, RN
President
Forensic Nurses Association of Alaska

Representing Alaska's Finest
Alaska State Troopers, State Fire Marshals, Court Service Officers, Airport Police and Fire Officers, Juneau Police, Unalaska Police, Sitka Police, Fairbanks Police, Ketchikan Police, and the Soldotna Police

Alaska

Political Action Committee

March 16, 2005

Representative Mike Hawker
State Capitol, Room 502
Juneau, AK 99801-1182

Re: HB 219

Dear Representative Hawker,

On behalf of the members of PSEA, I would like to thank for introducing HB 219. We believe HB 219 brings about a much-needed amendment to better define the criteria of what is a "dangerous instrument".

As a representative of Alaska's law enforcement officers, it is imperative that we have the necessary tools to ensure that Alaska's citizens are adequately protected. HB 219 will better assist law enforcement with the prosecution for those individuals who have committed such a horrendous assault.

PSEA hopes that the legislature will act swiftly on this matter and pass HB 219.

Sincerely,

Maurice I. Hughes Jr.
PSEA Vice President

4300 Boniface Parkway, Suite 116, Anchorage, Alaska 99504
Phone (907) 337-1979 Fax (907) 337-1753

Anchorage
Police
Department
Employees
Association

Phone (907) 561-7500
P.O. Box 230330
Anchorage, Alaska 99523
500 West International Airport Road
Anchorage, Alaska
www.apdea.org

March 17, 2005

Re: HB 219

Dear Legislative Body:

The Anchorage Police Department Employees Association represents rank-and-file police employees in the Anchorage Police Department. I am writing to express the APDEA's full support for HB 219. There is presently an ambiguity in the law that has led to uncertainty by prosecutors as to how to charge the crime of strangulation. Unfortunately, this ambiguity has led to some of those who have committed this potentially life-threatening crime to receive lesser sentences than would otherwise be appropriate. HB 219 brings much needed clarity to this area.

I look forward to answering any questions you may have about HB 219.

Sincerely,

Michael Coutlifer
APDEA Vice President

Juli Lucky

From: Natasha Norris [Natasha_Norris@law.state.ak.us]
Sent: Monday, March 21, 2005 11:17 AM
To: Juli Lucky
Subject: Strangulation bill

Ms. Lucky:

I am writing this email in support of House Bill No. 219. I have been a proscutor for almost four years in the State of Alaska. I worked in Sitka, Alaska as the only State prosecutor, for two and half years.
While at the Sitka post, I dealt with several strangulation cases.
There are a couple of things regarding strangulation that are striking.
First, strangulation occurs in many domestic violence situations.
Often, when speaking to a victim of domestic violence, they disclose that although strangulation may not have occurred the incident leading to arrest, they have at one point or another, suffered strangulation at the hands of their boyfriend or husband. Second, because of the lethality of strangulation, ANYTIME a defendant uses their hands to block normal breathing causes a substantial risk of death or serious physical injury. The law now requires that before hands can be a "dangerous instrument", an expert needs to testify that the hands were used in a way that caused a substantial risk of death or serious physical injury. Given what we know about domestic violence and the lethality of strangulation, the definition of dangerous instrument should include the use of hands or other objects to strangle without the need for experts to testify to the lethality of strangulation. For the sake of victims, I hope House Bill No. 219 passes.

Sincerely,
Natasha Norris

Representative Mike Hawker

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim
716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

Member:
House Finance Committee
Legislative Budget
& Audit Committee

House District 32
Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Sunrise
Hope

To: Representative Lesil McGuire
Chairman, House Judiciary Committee

From: Representative Mike Hawker

Date: March 15, 2005

Re: House Bill 219

I request that HB 219, which would specifically permit felony prosecution for an assault involving strangulation or suffocation, be scheduled for the House Judiciary Committee at your earliest possible convenience.

Strangulation can cause life-threatening injuries without obvious external marks that can be presented to a jury as evidence of "serious physical injury." Without visible injuries, many cases are tried as misdemeanors, even if the victim was minutes from death. HB 219 would ensure that these cases can be prosecuted as felonies.

HB 219 is supported by the Office of Victims' Rights, Forensic Nurses' Association of Alaska, Public Safety Employees' Association, and the Anchorage Police Department Employees' Association. The Department of Law has seen and approved the proposed statutory change.

Please feel free to contact me if you need any additional information. You may also contact my legislative aide, Juli Lucky.

rep.mike.hawker@legis.state.ak.us • www.akrepublicans.org/hawker/

Representative Mike Hawker

Alaska State Legislature

Session
State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim
716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

Member
House Finance Committee
Legislative Budget
& Audit Committee

House District 32
Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Sunrise
Hope

House Bill 219
Sponsor Statement

"An Act relating to crimes and dangerous instruments."

House Bill 219 specifically permits felony prosecution for an assault involving strangulation or suffocation. Strangulation is one of the top five risk factors for domestic violence homicide and is the cause of ten percent of homicide deaths in the United States. Yet, many cases have not been prosecuted as felonies due to physical evidence requirements that may not be relevant in strangulation assaults.

Strangulation can cause life-threatening injuries without obvious external marks that can be photographed and presented to a jury as evidence of "serious physical injury," which is required by current statute for felony assault. Forensic science proves that even in some fatal cases of strangulation there is no external evidence of injury. The cause of death was determined during autopsy, when the chance to photograph and collect untainted evidence had passed.

Without visible injuries, many cases are tried as misdemeanors even though the victim was minutes from death. Unconsciousness can occur within ten seconds, followed closely by irreversible brain damage and death within five minutes. Lack of oxygen can also cause internal injuries, including brain damage, which can lead to death hours, days or even weeks after the crime.

When strangulation occurs in a domestic relationship, it is indicative of a high level of violence within the relationship. In recent years, strangulation has been identified as one of the most lethal forms of domestic violence – a domestic violence victim who has been strangled is nine times more likely to be killed than one who has not.

This bill recognizes strangulation as a serious life threatening assault warranting felony prosecution. I urge your support.

rep.mike.hawker@legis.state.ak.us · www.akrepublicans.org\hawker\

Columbus Dispatch (Ohio)

August 14, 2004 Saturday

Strangulation Cases; Seminar Explores Details Overlooked in Investigations

By Alayna DeMartini, *Columbus Dispatch*

The man called 911 with an odd complaint.

"She won't die," he told the dispatcher. "I've tried to kill her four different ways. She won't die."

But when medics arrived at the couple's home they found that the man had succeeded in strangling his wife.

The call to a 911 operator in Las Vegas was played yesterday for central Ohio police officers, prosecutors and emergency personnel during a training session on recognizing and prosecuting strangulation and attempted strangulation cases.

Too often the assailant walks away with little or no punishment because there aren't always marks left on the victim, said Gael B. Strack, a San Diego city attorney who led yesterday's seminar at the Franklin County Courthouse.

The victim may have serious injuries that aren't always apparent, such as internal fractures in the throat, Strack said.

"We understand when someone's stabbed, when their lip is cut, because we can see the signs," Strack said. "With strangulation, most victims will have internal injuries. It's easy to overlook, minimize or trivialize."

A study by the San Diego city attorney's office of police reports showed that if there was no visible sign of attempted strangulation, the assailant wasn't charged with a serious crime.

"We didn't understand what we had in front of us," Strack said.

The study, conducted in the late 1990s, showed that police often neglected to clearly document what symptoms victims were experiencing, Strack said. Cases that were prosecuted were charged as misdemeanors when many could have been felonies, Strack said.

Franklin County prosecutors estimate that 30 percent to 40 percent of the annual 6,000 domestic-violence cases in the county involve choking or strangulation, said Leslie Ashworth, director of the Columbus city attorney's domestic-violence unit.

Typically, victims of attempted strangulation will have red marks on the neck and a raspy voice, Ashworth said.

However, victims sometimes refuse to be treated at a hospital because they can't afford it, Ashworth said.

"Then you lose the evidence," Ashworth said.

Even when victims go to hospitals, they often minimize their injuries and do not blame them on others.

"The important thing is for everyone to realize that it's a potentially life-threatening matter and not say 'Oh, they were just choked,'" Ashworth said.

In Ohio, someone who tries to strangle a mate could be charged with domestic violence, which is a misdemeanor, or a felony such as felonious assault.

Some states have recently stepped up their domestic-violence laws and the penalties for strangulation attempts.

On Thursday, North Carolina Gov. Mike Easley signed legislation, "assault inflicting serious physical injury by (attempted) strangulation," a felony punishable by up to two years in prison.

An Oklahoma law that goes into effect in November makes it a felony to commit attempted strangulation on a domestic partner.

ademartini@dispatch.com

Copyright © 2004 *The Columbus Dispatch*.

OPDV Bulletin:
Strangulation in Domestic Violence and Sexual Assault

"He choked me– but there are no marks."

In 1999, the Clinton County District Attorney's Office and the New York Prosecutors Training Institute (NYPTI) hosted the nation's leading experts in the prosecution and investigation of strangulation cases. Assistant District Attorney Gael Strack and George M. Clane, MD, both from San Diego, California, presented their findings at the three-day conference, "Detection and Prosecution of Strangulation in Domestic Violence and Sexual Assault Cases," funded by the US Department of Justice Violence Against Women Grants Office and the New York State Division of Criminal Justice Services. The following is adapted from a condensed portion of their presentation.

"He choked me - but there are no marks." Strangulation has only recently been identified as one of the most lethal forms of domestic violence. When perpetrators use strangulation to silence their victims, this is a form of power and control that has a devastating psychological effect on victims and a potentially fatal outcome. Historically, "choking" was rarely prosecuted as a serious offense because victims minimize the level of violence and police and medical personnel fail to recognize it.

Strangulation is defined as a form of asphyxia and is characterized by closure of the blood vessels and/or air passages of the neck as a result of external pressure on the neck. It is often incorrectly referred to as choking which involves blocking, or obstructing the windpipe. Ten percent of violent deaths in the US each year are due to strangulation, with six female victims to every male.

Strangulation by ligature is done with a cord like object that could include anything from a telephone cord to articles of clothing. Manual strangulation is done with the hands, forearms (as in the classic chokehold), or standing or kneeling on the victim's throat.

Clinically, a victim who is being strangled first experiences severe pain, followed by unconsciousness, and then brain death. The victim will lose consciousness by any one or more of the following: blocking of the carotid arteries (depriving the brain of oxygen), blocking of the jugular veins (preventing deoxygenated blood from exiting the brain), and/or closing off the airway, causing the victim to be unable to breathe. Only eleven pounds of pressure placed upon both carotid arteries for ten seconds is necessary to cause unconsciousness. If pressure is released immediately, consciousness will be regained within ten seconds. After 50 seconds of continuous oxygen deprivation the victim rarely recovers. To completely close off the trachea, three times as much pressure (33 lbs.) is required. For comparison purposes, it only takes 8 lbs. of pressure to pull a trigger on a gun.

Fifty percent of victims report symptomatic voice changes which may be as mild as simple hoarseness or a complete loss of voice. Many victims also report that it is difficult or painful to swallow. This is due to injury of the larynx cartilage and/or hyoid bone, a small horseshoe shaped bone in the neck. Difficulty getting a breath may be due to the hyperventilation that normally accompanies a terrifying event, but more importantly may be secondary to underlying neck injury. It is critical to know that breathing changes may initially appear to be mild, yet underlying injuries may kill the victim hours or days later due to decompensation of the injured structures. Involuntary urination and defecation often occurs. Officers

should inquire about such because victims may be embarrassed and reluctant to disclose these facts unless asked.

Visible injuries to the neck may include scratches, abrasions, and scrapes. Redness on the neck may be fleeting, but may demonstrate a detectable pattern. These marks may or may not darken to become a bruise. Bruises may not appear for hours or even days. Chin abrasions are also common, as are tiny red spots called petechiae. These are caused by ruptured capillaries and may be found around the eyes, under the eyelids, anywhere on the face, and on the neck above the area of constriction. Blood red eyes are due to capillary rupture in the white portion of the eyes. This phenomenon suggests a particularly vigorous struggle between the victim and assailant.

In 70 to 80 percent of all domestic violence cases, the victim will recant. Therefore law enforcement should anticipate this and plan on prosecution based on the evidence, just like in a murder case. Efforts should be made to investigate the cases like an attempted homicide case. It is important to ask as many questions as possible at the earliest time possible. For specific questions and checklists to assist in detecting and investigating strangulation cases, go to http://www.correctionhistory.org/northcountry/html/knowlaw/strangulationinvestigation3.htm.

Condensed by NYPTI, (518) 432-1100, the Continuing Legal Education and Mutual Assistance Division of the New York State District Attorneys Association. The points of view or opinions stated in this article are those of the particular author and do not represent the official position of the NYS Division of Criminal Justice Services. Information dealing with a specific legal matter should be researched in original and current sources of authority.

Note to Officers and Prosecutors: Treat Your Strangulation Cases Seriously

Start by using the word "strangle" as opposed to the word "choke." Strangle means to obstruct seriously or fatally the normal breathing of a person. Choke means having the windpipe blocked entirely or partly by some foreign object like food.

"How to Improve Your Investigation and Prosecution of Strangulation Cases" by Gael B. Strack, San Diego Assistant City Attorney and Dr. George McClane, Emergency Physician, October 1998, updated May 1999 is an excellent article. It can be obtained by request from Gael B. Strack at: Gael B. Strack at

Know the Law: Resource Materials on Strangulation

Strangulation Conference

On September 28-30, 1999, the Clinton County District Attorney's Office and the New York Prosecutor's Training Institute sponsored a conference on **Detection and Prosecution of Strangulation in Domestic Violence and Sexual Assault Cases.** Funding was provided by the United States Department of Justice Violence Against Women Grants Office and the New York State Division of Criminal Justice Services.

The leading experts on this subject, Assistant City Attorney Gael Strack of the San Diego City Attorney's Office and George E. McClane, M.D., Emergency Physician at Sharp Health Care in San Diego, came to Plattsburgh and conducted three days of training for more than 350 physicians, nurses, emergency responders, law enforcement, prosecutors, case workers and others

"Strangulation" refers to the behavior of one person placing one or two hands around the neck of another person and squeezing or applying other pressure. This can kill.

We presented training on detecting and prosecuting strangulation because, in reviewing the Domestic Incident Reports (DIRs) filed by the police and interviewing victims, we repeatedly came across descriptions of the incident that included the complainant being choked - hands put on her throat, sometimes until she passed out! There might have been other physical violence, as well, sometimes not.

In examining this more closely, we found that in about 10% of the DIRs, choking was part of the specific incident. Reports made to the STOP Domestic Violence program by women, about 40% described "choking" as part of the abusive conduct at one or more points in their relationship.

Despite this frequency, rarely was there an arrest for the choking behavior. Seldom were there any marks or visible injuries seen by the police, and the victims themselves often described the choking aspect as minor in relation to the other violence used against them.

In New York, a person cannot be charged with criminal assault unless "physical injury" is actually caused. That is defined in the Penal Law as "impairment of physical condition or substantial pain." The choking cases did not really seem to meet this standard; it was understandable that the police did not make an arrest.

But, we wondered whether there were internal injuries caused by being choked - strangled - that did not leave outward visible signs. Or maybe the signs were there, but we did not know what to look for.

In our search for more information, we found some people around the state asking the same things, but no real answers. Eventually, through an internet search, we made progress. When the key word was "choking," it brought articles about medical conditions or choking on food. "Strangulation" first led to some guy's personal web page that suggested the sexual benefits of that conduct!

In refining the search to "manual strangulation," we came up with articles by pathologists, describing the evidence of strangulation found during autopsies. Hoping for someone who could identify such signs in living people who had been strangled, we pressed on and learned of Gael Strack and Dr. George McClane in San Diego.

We learned that they struggled with the same kinds of problems a couple of years earlier in S n Diego, in cases that started with what looked like minor abuse, including choking, and led to homicide. As a consequence, they taught themselves and other law enforcement and medical personnel what to look for to detect whether injury was caused.

As a prosecutor, I know that I can only be effective if there is a good investigation. I depend upon the police, the EMTs, the nurses and doctors for the evidence I use in court.

We now realize that we may be overlooking serious crimes, because we did not know what to look for. The frequency with which manual strangulation is used in domestic violence incidents is surprising: in San Diego, in Plattsburgh, and very likely, everywhere else.

Because we all see it but have not known how to deal with it, we brought the experts from San Diego to train us. We want to learn how to better do our jobs; how to better protect our community.

The three days of training were outstanding - all we hoped for and more. The presentations of Gael Strack and Dr. Geroge McClane are summarized in the New York Prosecutors Training Institute Newsletter which follows.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB 219
() Publish Date:

Revision Date/Time (Note if correction):
Title: Strangulation Crimes
Sponsor: Representative Hawker
Requester:

Dept. Affected:
BRU: Alaska Court System
Component: Trial Courts
Component No: 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal: [ ]

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

The court system does not anticipate any fiscal impact from the passage of HB 219

Prepared by: Douglas Wooliver, Administrative Attorney — Phone 463-4750
Division: Alaska Court System — Date/Time 3/17/05 3:12 PM
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director — Date 3/17/2005
Agency: Alaska Court System

(Revised 9/2002 OMB)

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB219-DPS-ASTD-3-18-05
() Publish Date:

Revision Date/Time (Note if correction):
Title "An Act relating to crimes and dagerous instuments."
Sponsor Rep. Hawker
Requester House Judiciary

Dept Affected Public Safety
RDU Alaska State Troopers
Component AST Detachments
Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This bill amends AS 11.81.900(b)(15) which is the criminal definition for "dangerous instrument." It adds "hands or other objects when used to impede normal breathing or circulation of blood by applying pressure on the throat or neck or obstructing the nose or mouth" to the definition.

This additional language adds clarity and will aide us when we have assault cases that involve strangulation and/or choking of victims.

Passage of this bill will have no fiscal impact on the Department of Public Safety.

Prepared by Lieutenant Todd Sharp
Phone 907-465-3223
Division Alaska State Troopers
Date/Time 3/18/05 4:14 PM
Approved by Commissioner William Tandeske
Date 3/18/2005
Agency Department of Public Safety

(Revised 9/23/2004 OMB)

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB 219
() Publish Date:

Revision Date/Time (Note if correction):
Title: An Act relating to crimes and dangerous instruments.
Sponsor: Rep. Hawker
Requester: House Judiciary

Dept. Affected: Administration
RDU: Legal and Advocacy Services
Component: Public Defender Agency
Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	•	•	•	•	•	•
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 (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal: [ ]

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This bill broadens the definition of "dangerous instrument" in the criminal code to include hands or other objects when used for strangulation or suffocation. Using or threatening the use of a "dangerous instrument" in the commission of an offense generally raises the level of the offense to a felony, or aggravates the offense. Including hands within the definition of "dangerous instruments" will increase the level of offenses currently charged where hands are used or threatened to be used in such a manner. The number of these impacted offenses cannot be determined with any certainty. This bill, if enacted, will have a fiscal impact on the operations of the Agency, but it is not possible to predict with any certainty what that impact will be. Therefore an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director — Phone (907)334-4416
Division: Public Defender Agency — Date/Time 3/21/05 8:42 AM
Approved by: Michael Tibbles, Deputy Commissioner — Date 3/21/2005
Agency: Department of Administration

(Revised 9/23/2004 OMB)

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB219-LAW-CDCO-3-21
() Publish Date:

Revision Date/Time (Note if correction):
Title "An Act relating to crimes and dangerous instruments."
Sponsor Representative Hawker
Requester House Judiciary

Dept. Affected: LAW
RDU CRIMINAL
Component Criminal Justice Litigation
Component No.

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal: [ ]

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This bill amends Title 11 Criminal Law AS 11.81.900 (General Provisions - Definitions) by adding a new subsection under (b)(15) defining hands or other objects used in strangulation as "dangerous instruments".

Passage of this legislation will have fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhetee, Director
Phone 465-3673
Division Administrative Services Division
Date/Time 3/22/05 2:45 PM
Approved by: K. Daughhetee for Scott Nordstrand, Acting Attorney General
Date 3/22/2005
Agency Department of Law

(Revised 9/23/2004 OMB)