

**HB**

**91**



# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 23, 2005

**SUBJECT:** Proposed Conceptual Amendment to HB 91 Regarding Sex Offender Registration (Work Order No. 24-LS0098A)

**TO:** Representative Lesil McGuire  
Attn: Vanessa Tondini

**FROM:** Gerald P. Luckhaupt *GPL*  
Legislative Counsel

Vanessa informed me that the Judiciary Committee considered a conceptual amendment to HB 91 to require sex offender registration for persons convicted of the new form of indecent exposure in the first degree in this bill. HB 91 adds a new paragraph to AS 11.41.458(a). That new paragraph aggravates indecent exposure in the second degree to a first degree offense under AS 11.41.458(a) if the offender has a previous conviction for indecent exposure. Sex offender registration is already required under current law for persons who commit indecent exposure in the first degree. See AS 12.63.100(6)(C)(3). Therefore, I cannot see a reason for the amendment as current law provides what the conceptual amendment intended.

If I misunderstood the amendment or if you have further questions, please contact me at your convenience.

GPL:med  
05-208.med

# ALASKA STATE HOUSE OF REPRESENTATIVES

**Contact:**

Interim Address:

**3340 Badger Road**  
**North Pole, AK 99705**  
(907)-488-5725  
Fax# (907)-488-4271

**Session**

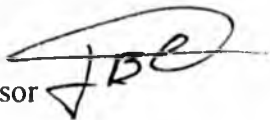
(907)-465-3719  
FAX# (907)-465-3258  
**State Capitol**  
**Room 204**

## REPRESENTATIVE JOHN COGHILL

### MEMORANDUM

Date: March 9, 2005

To: Representative Resil McGuire, Chair  
House Judiciary Committee

From: Representative John Coghill, Bill Sponsor 

Re: HB 91 Indecent Exposure

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I would like to request that HB 91, "An Act relating to indecent exposure", be scheduled for a hearing on March 23<sup>rd</sup> to accommodate the person who brought this issue to my attention.

I have attached the sponsor statement and a letter of support from the Alaska Peace Officers Association.

Thank you for your consideration.

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Room 204

## REPRESENTATIVE JOHN COGHILL

### SPONSOR STATEMENT

#### HB 91 Indecent Exposure Within Sight of Persons Under Sixteen

Several young girls in Delta Junction were subjected to a man exposing himself to them in the parking lot of a local store last summer. He was apprehended and arrested. In a background check it was reported that he had a prior conviction of a similar incident in Arizona. A customer noticed the man following a little six-year-old girl and began to follow him. He followed the girl to the toy section and pulled his pants down. The customer contacted store officials, the police were called, and the man was arrested. The police report stated he matched the description of a man reported for the same activity several times but they could never catch him.

In the Delta Junction incident, the local magistrate charged him with three felonies but because of the circumstances, he could not be convicted of a felony. He plea-bargained down to one misdemeanor.

Children are more vulnerable and innocent than adults and children fall prey to sex offender more easily than adults. This legislation makes repeat convictions of indecent exposure within the observation of a person under the age of sixteen a felony.

## ALASKA PEACE OFFICERS ASSOCIATION

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

February 11, 2005

**Business Manager**Joseph Young  
Anchorage**Board of Directors**Angella Long, President  
WasillaJohn Lucking, Vice President  
SoldotnaLeo Brandien, Past President  
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Ketchikan  
Pres. First City ChapterLisa Shield, Member  
Unalaska  
Pres. Aleutian Islands ChapterThecla LaLonde, Member  
Wrangell  
Pres. Wrangell ChapterRepresentative John Coghill  
House of Representatives  
State Capitol  
Juneau AK 99801-1182

Dear Representative Coghill:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 91, relating to indecent exposure.

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

This bill addresses the indecent exposure law and allows for a repeat offender to be charged more seriously based on previous convictions for this or similar crimes in another jurisdiction. In many cases, sexual offenders start out committing the crime of indecent exposure and progress to more serious sexual offenses. This legislation targets that progression by considering previous convictions.

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

Sincerely,


Angella Long  
State President

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 91  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Indecent Exposure to Minors BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Coghill  
 Requester \_\_\_\_\_ 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (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 91.

Prepared by: Douglas Wooliver, Administrative Attorney  
 Division: Alaska Court System  
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director  
 Agency: Alaska Court System

Phone 463-4750  
 Date/Time 3/17/05 3:05 PM  
 Date 3/17/2005

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 91  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title: An Act relating to indecent exposure RDU: Legal and Advocacy Services  
 Component: Public Defender Agency  
 Sponsor: Rep. Coghill  
 Requester: House Judiciary Component No.: 1631

**Expenditures/Revenues (Thousands of Dollars)**

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

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

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

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

Estimate of any current year (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 the crime of indecent exposure in the first degree, a class C felony offense, to include when an offender commits indecent exposure in the second degree (a class A misdemeanor) and has been previously convicted for it in this state or by a similar law from another jurisdiction. The Agency does not handle a significant number of second degree indecent exposure charges, therefore, if this bill were enacted, it is not expected to have a significant fiscal impact on the operations of the Agency.

Prepared by: Linda K. Wilson, Deputy Director Phone: (907)334-4416  
 Division: Public Defender Agency Date/Time: 3/21/05 8:41 AM  
 Approved by: Michael Tibbles, Deputy Commissioner Date: 3/21/2005  
 Agency: Department of Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB091-LAW-CDCO-3-22  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to indecent exposure." RDU CRIMINAL  
 Component Criminal Justice Litigation  
 Sponsor Representative Coghill  
 Requester House Judiciary 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (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 11.41.458(a) (Offenses Against the Person - Indecent exposure in the first degree) by including in the list of offenses that constitute indecent exposure in the first degree, an offense of indecent exposure in the second degree when the offender has a previous conviction of indecent exposure in the second degree.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone 465-3673  
 Division Administrative Services Division Date/Time 3/22/05 2:40 PM  
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 3/22/2005  
 Agency Department of Law