

HB

132

SFIN

FILE

HB 132

was referred to the
Senate Finance
Committee

Hearing(s) were held

The bill did not move
from Committee

Withdrawn

SENATE FINANCE
COMMITTEE

Amendment Number: #1
Bill Number: HB 132
Sponsor: Dyson Date: 5/1/09
Logged In By: Mindy

Amendment to CSHB 132(JUD):

Add a new subsection AS 11.32.100(c) to section 1 of the bill, as follows:

(c) In addition to any other penalty imposed by law, a person sentenced to an increased sentence under (a) of this section for a crime specified in (b)(9) of this section must immediately surrender any business license issued by the State of Alaska and may not obtain, possess, or hold a business license in the state for two years from the date of sentencing.

Sponsored by Sen. Dyson
on behalf of Sen. Burke

SENATE FINANCE COMMITTEE
5/1/2005 COMMITTEE ACTION

Bill Number	HB 132		
Amendment	#1		
Motion	adpt		
<u>Motion by</u>	Dyson		
<u>Objection by</u>	Green		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Stedman			
Senator Bunde			
Senator Dyson			
Senator Hoffman			
Senator Olson			
Co-Chair Wilken			
Co-Chair Green			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Removed		

Mindy Rowland

From: Traci Carpenter
Sent: Thursday, May 05, 2005 10:03 AM
To: Mindy Rowland
Subject: FW: HB 132 fiscal notes

Attachments: HB132CS-LAW-05-04-05.pdf; HB132SCS(FIN)-COM-OL-05-04-05.pdf



HB132CS-LAW-05-04-05.pdf; HB132SCS(FIN)-COM-OL-05-04-05.pdf

I'm not sure if we're bringing this up again, but here 'yar just in case. I'm putting a note in my files with the amendment and fiscal notes so I don't forget in committee :-)

-----Original Message-----

From: Darwin Peterson [mailto:Darwin_Peterson@gov.state.ak.us]
Sent: Wednesday, May 04, 2005 11:41 AM
To: Ben Mulligan; Traci Carpenter
Subject: HB 132 fiscal notes

Traci,
If Sen. Dyson's amendment to HB 132, dealing with business license revocations, is passed by the committee the fiscal notes from Law and DCCED will be zero. In the interest of expediency, they are attached for the next committee hearing on this bill.

Thanks,
Darwin

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB132CS-LAW-CDCO-5
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title: "An Act relating to sentencing for certain crimes committed against the elderly..." RDU: CRIMINAL
Sponsor: Representative Stolze Component: CDCO
Requester: Senate Finance 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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would enhance penalties for persons convicted of committing certain crimes against the person, or a theft or related financial crime, against a person 65 years of age or older. The bill raises the level of these offenses if the defendant was reckless in regard to the victim being 65 years of age or older. The Department of Law does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Kathryn Daughhoteo, Director Phone: 465-5427
Division: Administrative Services Date/Time: 5/4/05 10:12 AM
Approved by: Kathryn Daughhoteo for David Marquez, Attorney General Date: 5/4/2005
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SCS HB132(FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title Crimes Against Elderly RDU Occupational Licensing (117)
Component Occupational Licensing
Sponsor Stoltze, McGuire, Anderson, et al
Requester Senate Finance Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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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 1156 - Receipt Supported Services						
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)

New funds are not required to implement the provisions of SCS HB132(FIN).

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
Division: Occupational Licensing Date/Time 5/4/05 11:10 AM
Approved by: Edgar Blatchford, Commissioner Date 5/4/2005
Agency: Commerce, Community, and Economic Development

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

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

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Crimes Against the Elderly RDU Alaska Court System
 Component Trial Courts
 Sponsor Representative Stoltz
 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	30.2	30.2	30.2	30.2	30.2	30.2
Travel	1.1	1.1	1.1	1.1	1.1	1.1
Contractual	23.6	23.6	23.6	23.6	23.6	23.6
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	54.9	54.9	54.9	54.9	54.9	54.9

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	54.9	54.9	54.9	54.9	54.9	54.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	54.9	54.9	54.9	54.9	54.9	54.9

Estimate of any current year (FY2006) cost: 0.0

Check 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)

Committee Substitute for HB 132 increases the penalties for certain crimes of the victim is a person 65 years of age or older. Although the bill raises the offense levels for many crimes against the elderly, the ones likely to impact the court system are those that will raise an offense from a class A misdemeanor to a class C felony. Felony crimes are more resource intensive for the court because there are grand jury costs, they have a higher trial rate than misdemeanors and, because defendants are subject to supervised probation by the Department of Corrections, they are more likely to be back before the court for petitions to revoke probation. According to the Public Defender Agency (the agency), the agency was appointed in 4851 misdemeanor cases in 2004 that would be felonies under HB 132 where the victim was 65 years or older. The agency also notes that census data shows that roughly 6% of Alaska's population is 65 years of age or older. Assuming that crime victims are represented proportionally across age categories, the agency's numbers suggest that roughly 291 (6% of 4851) crimes against the elderly would rise from misdemeanor to felonies under this bill.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
 Division: Alaska Court System Date/Time 1/12/06 9:00 AM
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 1/12/2006
 Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. CSHB 132 (JUD)

ANALYSIS CONTINUATION

Because the agency represents slightly over 60% of felony defendants, the number of new felony offenses filed with the court system is likely to be roughly 450 cases a year.

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

ALASKA STATE LEGISLATURE

Vice Chair:
House Finance Committee

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



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

Meeting:
PO Box 464
Chugiak, AK 99567

REPRESENTATIVE BILL STOLTZE

Representative_Bill_Stoltze@legis.state.ak.us

House Bill 132

Crimes Against Elderly

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

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

The provisions of HB 132:

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

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

DISTRICT 16

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

Sectional Analysis of SCS CSHB 132(JUD) Crimes Against Seniors

(Prepared by the Department of Law, April 22, 2005)

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

Section 1: Increase in penalty for certain crimes against seniors. This section would add a new chapter regarding enhanced penalties, and a new section regarding penalties for crimes against the elderly. The seriousness of the offense is raised one level if the offender committed the offense with reckless disregard that the victim was a person 65 years of age or older. For example, assault in the fourth degree, normally a class A misdemeanor, would be a class C felony if the offender acted with reckless disregard that the victim was 65 years of age or older.

Sec. 2: Applicability. This section would make the changes set out in sec. 1 applicable to offenses committed on or after July 1, 2005.

Sec. 3: Effective date. This section sets out an effective date of July 1, 2005.

STATE OFFICE

ALASKA PEACE OFFICERS ASSOCIATION

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



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Wrangell

Pres. Wrangell Chapter

March 18, 2005

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

Dear Representative Stoltze:

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

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

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

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

Sincerely,

Angella Long
State President

THE
FOLLOWING
DOCUMENT(S)
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POOR
ORIGINAL
COPIES



April 20, 2005

The Honorable Ralph Seekins, Chair
Senate Judiciary Committee
Alaska State Capitol, Room 125
Juneau, Alaska 99801-1182

RE: HB 132 (Stoltze)--Support

Dear Chair Seekins:

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

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

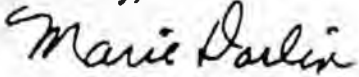
Older people experience the lowest rates of violent crime among all age groups. However, the fear of crime adversely affects the behavior of many older people, and national surveys show that older people protect themselves by leaving their homes less often than younger persons. According to AARP's research,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

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

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

Thank you for your consideration.

Sincerely,



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

CC: Vice-Chair Charlie Huggins
Senator Gene Therriault
Senator Hollis French
Senator Gretchen Guess
Representative Bill Stoltze

SENATE COMMITTEE REPORT

DATE: 4/13/05

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/21/05

Judiciary Committee considered CS FOR HOUSE BILL NO. 132(JUD)

HB 132 CRIMES AGAINST ELDERLY

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

and recommends:

- be replaced with SCS CS HB 132 (JUD)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR #




NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW				✓	1
DPS	2/22/05			✓	2
COR	2/21/05		✓		3
ADM	2/25/05	✓			5
CRT	3/15/05	✓			6

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
French 	X			
Guess 			X	
Huggins 	X			
CHAIR:  <i>Seekins</i>	✓			

SENATE FINANCE COMMITTEE

SIGN-IN

HB 132-CRIMES AGAINST ELDERLY

NAME: Marie Carlin Subject/Bill No: HB 132
Co./Dept./Title: _____ Phone: _____
Address: Jessie Zip: Horseshoe
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions