

HB

41

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
 MAY 04 2006
 SENATE FINANCE COMMITTEE

DATE: 2/16/06

FURTHER:

DATE TURNED
IN TO OFFICE: 5/4/06

Finance Committee considered CS FOR HOUSE BILL NO. 41(FIN)

HB 41 ASSAULT ON SCHOOL EMPLOYEES/BUS DRIVERS

"An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree committed against an employee of an elementary, junior high, or secondary school or certain contractors of school districts who were engaged in the performance of school duties at the time of the assault."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous 5 CS CS HB 41 (JUD)
- 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 # 23

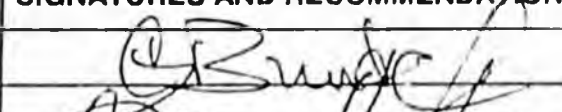
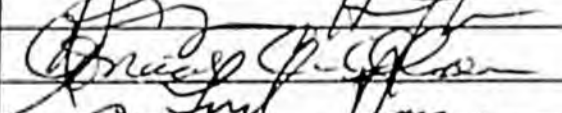
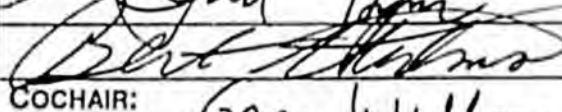
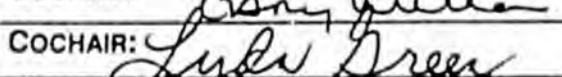
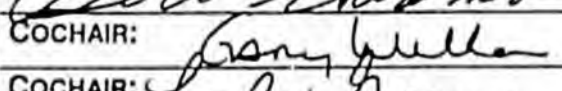
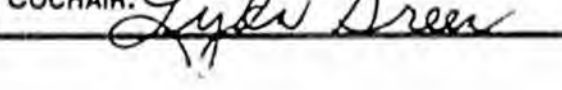
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
ADM	1/27/06			✓	6
LAW	1/30/06			✓	7
DPS	1/30/06			✓	8

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
	✓			
			✓	
	✓			
	✓			
COCHAIR: 	✓			
COCHAIR: 	✓			

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 6
Bill Version: SCS CSHB 41(JUD)
(S) Publish Date: 2/16/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An act relating to minimum sentence RDU: Legal and Advocacy Services
for assault on school employee... Component: Public Defender Agency
Sponsor: Reps. Lynn & McGuire
Requester: _____ 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	0.0	0.0	0.0	0.0	0.0	0.0
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	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)						
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)
This bill would require a mandatory minimum sentence for an assault in the fourth degree committed against school employees and contractors. It is expected that this bill will not have a significant fiscal impact upon the Public Defender Agency.

Prepared by: Quinlan Steiner, Director Phone: 907.334.4414
Division: Public Defender Agency Date/Time: 1/28/06 5:00 p.m.
Approved by: Mike Tibbles, Deputy Commissioner Date: _____
Agency: Administration

FISCAL NOTE

REPORTED OUT
MAY 04 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 7
 Bill Version: SCS CSHB 41(JUD)
 (S) Publish Date: 2/16/06

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title: "An Act relating to minimum periods of imprisonment for the crime of assault in the fourth degree..." RDU: CRIMINAL
 Sponsor: Representatives Lynn and McGuire 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	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 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 This bill amends AS 12.55.135 (Sentencing for misdemeanors) by amending subsection d so that a 60 day sentence would be imposed for assault in the fourth degree if the assault is committed against an employee of an elementary, junior high, or secondary school while the employee was engaged in the performance of school duties while on school ground, on a school bus, at a school-sponsored event, or in the administrative offices of a school district at the time of the assault. Most assaults in schools are committed by juveniles, and there aren't enough cases to result in a fiscal impact on the Department of Law as a result of passage of this legislation.

Prepared by: Kathryn Daughhete, Director Phone: 465-3673
 Division: Administrative Services Division Date/Time: 1/30/06 1:49 PM
 Approved by: Kathryn Daughhete for David Márquez, Attorney General Date: 1/30/2006
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 8
Bill Version: SCS CSHB 41(JUD)
(S) Publish Date: 2/16/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title "An Act relating to minimum periods of RDU Alaska State Troopers
imprisonment for the crime of assault..." Component AST Detachments
Sponsor Representative Lynn
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)

This legislation has no fiscal impact to the Department of Public Safety. State troopers and local law enforcement officials already handle violations for the crime of assault, so this statute will not increase the numbers they deal with and should instead act as a deterrent. This bill will add a minimum term of 60 days imprisonment for convictions of assault in the fourth degree against school employees.

Prepared by: Lieutenant James Helgøe
Division: Alaska State Troopers
Approved by: Commissioner William Tandesko
Agency: Department of Public Safety

Phone: 907-269-4532
Date/Time: 1/30/06 2:17 PM
Date: 1/30/2006

Alaska State Legislature

Chairman

Military & Veterans' Affairs Committee

Member

Labor and Commerce Committee

State Affairs Committee

Economic Development, Trade & Tourism
Committee

Education Committee

Joint Armed Services Committee

Finance Subcommittees

Labor & Workforce Development

Community & Economic Development

Military & Veterans' Affairs



A Communication From

REPRESENTATIVE BOB LYNN

District 31 Anchorage

**E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" AlaskaDistrict31.blogspot.com**

Session:

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Juneau, AK 99801-1182

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Fax: (907) 465-4316

Toll Free: (800) 870-4391

Interim:

716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205

Fax: (907) 269-0207

SPONSOR STATEMENT Senate CS for CSHB 41(JUD)

Senate CS for CSHB 41(JUD) revises sentencing guidelines to require a 60-day *mandatory* minimum term of imprisonment for assaults in the fourth degree committed on:

- school grounds
- on a school bus
- at a school-sponsored event
- or at certain school district administration offices.

A message needs to be sent that violence of any kind will not be tolerated - especially when it pertains to school grounds and school functions. We must provide for safety of teachers, other school employees, as well as for children. This bill adds a giant step toward that safety. Your support of HB 41 is requested.

HS 41

Police: Student urged into fight by mother

5/4/06

9:46 AM

Lo

MARY AMES
Frontiersman reporter

WASILLA — A sixth-grade Wasilla Middle School girl, accompanied into the school by her mother and her aunt, assaulted another sixth-grade girl at the start of school Thursday, according to a report from the Wasilla police.

The assault was initiated by the adults, who encouraged the girl to fight, the report said. The women cheered and made no attempt to stop the fight, according to the report.

Mary L. Bright, 36, and Martha I. Hunter, 36, were both charged with fourth-degree assault, second-degree criminal trespass, disorderly conduct and contributing to the delinquency of a minor, and their sixth-grader was charged with fourth-degree

assault, the report said.

Amy Spargo, Wasilla Middle School principal, said the student who came armed with two adults started the fight in the sixth-grade hallway with another student who was completely unaware of trouble brewing. The victim was just coming to school, she said.

"The bottom line is these adults crossed the line," Spargo said. "They didn't work with us. The vast majority of parents work with us to solve problems peacefully and productively."

Neither Bright nor Hunter told school employees about any perceived problems, Spargo said. They didn't sign in at the office and took matters into their own hands with complete disregard for the safety of students, she said.

Whenever an adult has a concern about a child's safety, they should bring it to the attention of the school, she said.

"We'll work together to solve problems," Spargo said. "This wasn't logical or typical." Spargo, who has been at Wasilla Middle School for four years, said she never had something like this assault take place. "We've been very successful in resolving peer conflicts," she said.

The victim had minor injuries from the fight, was treated by the school nurse and is still in class, but the school district suspended the child aggressor, she said.

Bright and Hunter have been ordered to stay away from Wasilla Middle School, the police report said.

Dave Eller, the school

resource officer from the Wasilla police, was at the high school Thursday morning, but he was at the middle school within minutes, Spargo said.

"He was a terrific help and support through the whole process," Spargo said.

Middle school students who witnessed the fight brought it to the attention of the staff, Spargo said, and when school employees intervened, the women took the child and went home.

"I want parents to know that student safety is our highest priority, and this was completely unacceptable," she said. "We won't tolerate kids being afraid of adults at school."

An official report was also sent to the Office of Children's Services, according to the police report.

Court records show only one Palmer case for Mary Bright, a restraining order filed on Jan. 30, 2001, against Mary and Waymen Bright. Court records show two Kenai cases, one for debt collection in 2000 and another for forcible entry, which was dismissed by the prosecution in 1999, against Mary and Waymen Bright.

Records for Martha Hunter show a Palmer conviction for driving with a canceled, suspended or revoked license in 2000, and a series of restraining orders filed by and against her in Palmer and Anchorage from this year and 2005. Records also show two small claims filed against Hunter in Anchorage in 2002.

Contact Mary Ames at 352-2284 or maryames@frontiersman.com.

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FREE
Blood Pressure Check • Height • Weight
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Comprehensive Health Panel \$45.00
(Blood & urine test)

- Complete blood count
- Comprehensive chemistry panel
- Lipid panel
- Thyroid (TSH)
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Do not eat or drink for 12 hours prior (except water) Please drink plenty of water. Prescription medications should be taken and people with diabetes should not fast.

- PSA-Prostate Cancer Screening \$20.00
- Colon Cancer Screening \$20.00
- Blood type test \$20.00

Walk-ins welcome
746-3366

Around the Valley

Big Lake chamber to meet

BIG LAKE — The next Big Lake Chamber of Commerce meeting will take place at noon Wednesday at Kathy's Restaurant (formerly Mahoney's). The guest speaker will be Marc Van Dongen, director of Port MacKenzie. Interested people may contact Randi Perlman at 892-6109 for more information.

Land management meeting scheduled

TALKEETNA — A public

and Question Lakes Area Recreation Management Plans. Residents and landowners near the project area are encouraged to attend and comment on issues and preliminary recommendations for the borough lands. The workshop will be from 6 to 9 p.m. Wednesday at the Talkeetna Elementary School.

National Library Week celebrated

WASILLA — The Wasilla Public Library has scheduled a library trivia contest as part of the celebration this week of

contest, people can stop by the library and get a trivia question sheet to fill out. Library Director KJ Martin-Albright said the winner will receive a dinner for two from Chepo's. Library patrons who use the library during National Library Week also can enter a drawing for a \$25 gift certificate for WaldenBooks.

For more information, contact the Wasilla Public Library at 376-5913.

Area Democrats to caucus

WASILLA — Registered

Mar-Su Valley

Frontiersman

Tuesday, January 31, 2006

The online edition of the Frontiersman does not contain the entire content of our print version.

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Parent who assaulted school secretary fined

January 31, 2006

MARY AMES\Frontiersman reporter

PALMER - A Palmer District Court judge on Thursday sentenced a Pioneer Peak Elementary parent who assaulted the school secretary last May to pay a \$500 fine and apologize, and imposed a suspended prison term.

Sammie Jo Wilson, 35, was charged with fourth-degree assault after she grabbed Toni Hartley by the hair, bent Hartley over at the waist and punched her head repeatedly about 2 p.m. May 6, according to Alaska State Troopers.

Wilson came to the school to pick up a student, but refused to show any identification, according to the report.

When Hartley requested identification in accordance with school district policy, Wilson responded that the request was crazy, that her ID was in the car and that she wanted the teacher in charge, the report said.

The student had been sick all day, but the phone numbers the school had for a parent contact were not working, Hartley said Friday.

"She was very defensive coming in the door," Hartley said. "I told her we needed to get new phone numbers and she said she didn't have time. There were younger children in the lobby waiting to leave school and she was profane, saying this was 'f----- crazy.'"

Wilson went back toward her car and Hartley went to get the child from the nurse's office, the report said. The child had followed Wilson out into the parking lot, though, and Hartley went back out, put her arm around the child and started to walk her back into the school, stating she needed to positively identify Wilson before she could let the student leave with her, according to troopers.

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Another parent at the school was driving away at the time, but saw the assault in her rear-view mirror and stopped, the report said.

Wendy Sant told troopers she saw Wilson grab Hartley and punch her multiple times, the report said. Sant said she ran over to stop the confrontation.

It all happened so fast, Hartley said, that at first she didn't know she was injured.

"I realized I was hurt when I went back into school and people were staring at me," she said. "I had blood on my face. I had reached back to get her to let go and damaged my ulna nerve. I still have a dead spot in my hand and arm."

Wilson, who switched from a public defender to Anchorage attorney Wayne Anthony Ross for her defense in October, pleaded no contest to the assault charge and received a \$500 fine, which was fully suspended, and a 30-day suspended jail sentence, according to court records.

Wilson was also ordered to deliver a letter of apology by Feb. 14, must stay away from Hartley and may not enter Pioneer Peak Elementary School property, records show.

"She made a statement to the court that 'things got out of control,'" Hartley said. "She never said, 'I got out of control.' And she had violated the restraining order by coming to school the Monday, Tuesday and Wednesday following this incident."

Wilson told the troopers that "she basically lost control," and had five kids home sick, according to troopers.

Hartley read a statement in court to Wilson.

"Your actions and words were witnessed by those parents in the lobby at kindergarten pick up time," Hartley wrote in part of her statement. "Your stepdaughter witnessed your horrific attack, and words, in total silence. I'm sad that she has now left her school and friends and has that picture of your attack on me that day forever locked away in her mind. The emotional and physical effects from your assault include doctor visits, hepatitis shots, physical therapy, and still I have nerve damage that the doctor says will take up to two years to heal before I regain full feeling in my arm and hand. These medical bills have amounted to \$11,000. These doctor visits took time away from my family, my job and missed sports activities with my kids."

Dan Molina, the school's principal, said he has never seen an incident like this happen before, and that because of this incident, Alaska passed a new law making an assault

on school grounds an automatic felony.

"Toni is a wonderful employee," Molina said. "She is the perfect front office employee - pleasant, efficient and always concerned for the safety of the students."

In general, safe schools are a priority, according to Kim Floyd, spokeswoman for the Mat-Su Borough School District.

"We work with students on anti-bullying," Floyd said. "Adults are models for our children and we expect them to display appropriate behavior. This is rare. We have wonderful parents. One individual crossed the line, and we support prosecution. We have front-office staff to make sure people who come in have a right to be there. We work hard toward maintaining a safe learning environment."

Contact Mary Ames at 352-2284 or mary.ames@frontiersman.com.

Across the seasons

Farmer cultivates agricultural progress

Students may get reprieve

School board asked to delay tougher graduation requirements

Robber fires gun in Carrs

Home invasion also occupies Palmer police

Parent who assaulted school secretary fined

January 31, 2006

Defense up next in murder trial

January 31, 2006

Defense up next in murder trial

January 31, 2006

Woman who killed boyfriend gets 60 years

January 31, 2006

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4.6 ASSAULT OF SCHOOL EMPLOYEES

AASB urges that Alaska's criminal code or sentencing guidelines be revised so that a non-student adult convicted of assault on a school employee during or because of the performance of official duties will receive a mandatory minimum term of imprisonment similar to that imposed upon an adult who assaults a uniformed or otherwise clearly identified peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant or other emergency responder engaged in the performance of official duties at the time of the offence.

Rationale. State statute provides for specific terms of imprisonment for crimes committed against peace officers, firefighters, etc. in the performance of their official duties. Our school employees, who each day work with our most precious resource, our children, deserve the same level of respect and protection under the law. *Adopted 2002 Amended 2004 (Sunset: Nov. 2007)*

Mat-Su Principals Association MSPA

Dwight Probasco, President 352-8214
Amy Spargo, Vice President 352-8200

Mark Okeson, V.P. Rep. 352-8215
Barb Gerard, Secretary/Treasurer 746-2358

February 14, 2006

Honorable Representative Bob Lynn,
My name is Dwight Probasco, and for the past 13 years I have served the Community of Wasilla as Principal of Wasilla High School, imbedded in those years have been the 8 years that I have served as President of the Mat - Su Principals Association. My voice today comes to you through my position as President of the MSPA and the 44 Principals that make up its membership, these 44 Principals supervise approximately 1800 staff members, who with the Principals provide for the educational needs of approximately 14000 students. Representative Lynn, our Association fully and wholeheartedly support in its entirety HOUSE BILL 41, which if it becomes law would provide for specific terms of imprisonment for crimes committed against public school employees. Thank you for looking out for our safety, and in looking out for ours, it creates a safe environment for our children.

Respectfully submitted,
Dwight Probasco, Principal Wasilla
Home phone: (907)376 - 7605
Work phone: (907) 352 - 8214
e-mail< dwight.probasco@matsuk12.us>

ALASKA PEACE OFFICERS ASSOCIATION

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



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January 31, 2006

Representative Bob Lynn
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Lynn:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 41, relating to the crime of assault against school employees.

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

The proposed bill provides for more stringent consequences for those who would assault a school employee when in performance of their official duties. This legislation recognizes that these employees often deal with the public during highly charged situations. This legislation brings this profession to the same standard as those who would assault a peace officer or emergency services responder.

We 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

cc Rep. McGuire