

SB

218

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
FEB 09 2006
 SENATE FINANCE COMMITTEE

DATE: 1/25/06

FURTHER:

DATE TURNED IN TO OFFICE: 9 Feb 2006

Finance Committee considered

SENATE BILL NO. 218

SB 218 CRIMINAL SENTENCING AND POLYGRAPHS

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

and recommends:

- be replaced with _____ CS SB 218 (FIN)
- adopt previous _____ CS CS Forthcoming (_____)
- 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	Ind.	Zero	FN#
Court	1/26/06		*		
Correction Probation/Parole	1/20/06			✓	
Admin	1/28/06		*		
Correct. Institution Director	1/26/06			✓	
Correct. Admin Svcs	2/1/06			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
DPS	1/18/06			✓	#1
LAW	1/18/06		*		#4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>C. Beaudry</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>Gary Wilkins</i>	✓			
COCHAIR: <i>Debra Green</i>	✓			

FISCAL NOTE

REPORTED OUT
FEB 09 2006
SENATE FINANCE COMMITTEE

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 Institutional Facilities
reporting of sex offenders and child kidnappers; relating to . . ." Component Institution Director's Office
Sponsor Senators Bunde
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: <u>Sharleen Griffin, Acting Director</u>	Phone: <u>(907) 465-3460</u>
Division: <u>Administrative Services</u>	Date/Time: <u>1/26/06 2:44 PM</u>
Approved by: <u>Portia C.K. Parker, Deputy Commissioner</u>	Date: <u>1/26/2006</u>
Agency: <u>Department of Corrections</u>	

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. CSHB 218 (JUD)

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

REPORTED OUT
FEB 09 2006
SENATE FINANCE COMMITTEE

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 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)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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: 00
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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
\$5,280 5% CPI on Contract
\$120,000 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

FISCAL NOTE

REPORTED OUT
FEB 09 2006
 SENATE FINANCE COMMITTEE

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 Helqou
 Division: Alaska State Troopers
 Approved by: Commissioner William Tandosko
 Agency: Department of Public Safety

Phone: 907-269-4532
 Date/Time: 1/18/06 4:27 PM
 Date: 1/18/2006

FISCAL NOTE

REPORTED OUT
 FEB 09 2006
 SENATE FINANCE COMMITTEE

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 RDU CRIMINAL
examinations for sex offenders released on probation..." Component Criminal Justice Litigation
 Sponsor Senator Bunde
 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 Daughheto, Director Phone: 465-3673
 Division: Administrative Services Division Date/Time: 1/18/06 1:21 PM
 Approved by: Kathryn Daughheto for David Marquez, Attorney General Date: 1/18/2006
 Agency: Department of Law

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

Phone: (907) 465-3460
 Date/Time: 1/30/06 7:21 AM
 Date: 1/30/2006

FISCAL NOTE

REPORTED OUT
FEB 09 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

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

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)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 Colo, Administrative Director Date 1/26/2006
 Agency: Alaska Court System

FISCAL NOTE

REPORTED OUT
FEB 09 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 218 (Fin)
 () Publish Date: _____

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 II REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 Phone 907.334.4414
 Division: Public Defender Agency Date/Time 1/28/06 5:30 p.m.
 Approved by: Mike Tibbles, Deputy Commissioner Date _____
 Agency: Administration

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prior convictions for sexual felonies, 99 [20 TO 30] years;

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

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

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

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

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

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

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

(A) if the offense is a first felony conviction, ^{one}~~three to 12~~ [ONE TO TWO] years;

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

SENATE FINANCE COMMITTEE

2/19/2006

COMMITTEE ACTION

Bill Number	SB 218		
Amendment	#1		
Motion	adopt		
<u>Motion by</u>			
<u>Objection by</u>			
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Stedman	✓		
Senator Bunde	✓		
Senator Dyson			✓
Senator Hoffman	✓		
Senator Olson	✓		
Co-Chair Wilken	✓		
Co-Chair Green	✓		
<u>Tally</u>			
Yea	6		
Nay	1		
Absent			
<u>MOTION</u>	PASS		



Alaska State Senate

Senate Finance Committee

Official Business

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 9 Feb 2006 TIME: 11:00 am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 2

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please
CS SB 218 (FIN) 24-LS1307/P
Luxhaupt 2/2/06
Plus 1 amendment. attached

Thanks

Mindy

CS FOR SENATE BILL NO. 218(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS BUNDE, Guess, Dyson, Elton, Kookesh, Green, Olson, Hoffman

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 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 three years
13 younger than the offender, or aids, induces, causes, or encourages a person who is 13,

1 14, or 15 years of age and at least three years younger than the offender to engage in
2 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 18 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 three 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 11.56 is amended by adding a new section to read:

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

30 (1) recklessly disregards the fact that a sex offender or child kidnapper
31 has not complied with the requirements of AS 11.56.8-10; and

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

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

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

9 * Sec. 3. AS 12.55.100 is amended by adding a new subsection to read:

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

13 * Sec. 4. AS 12.55.125(i) is amended to read:

14 (i) A defendant convicted of

15 (1) sexual assault in the first degree or sexual abuse of a minor in the
16 first degree may be sentenced to a definite term of imprisonment of not more than 99
17 years and shall be sentenced to a definite term within the following presumptive
18 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

21 (i) less than 13 years of age, 25 to 30 years;

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

23 years:

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

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

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

1 years;

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

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

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

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

15 (i) under 13 years of age, 20 to 25 years;

16 (ii) 13 years of age or older, 15 to 25 [FIVE TO

17 EIGHT] years;

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

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

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

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

30 (F) if the offense is a third felony conviction, the defendant is
31 not subject to sentencing under (I) of this section, and the defendant has two

1 prior convictions for sexual felonies, 99 [20 TO 30] years;

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (j) A defendant sentenced to a (1) mandatory term of imprisonment of 99
 11 years under (a) of this section may apply once for a modification or reduction of
 12 sentence under the Alaska Rules of Criminal Procedure after serving one-half of the
 13 mandatory term without consideration of good time earned under AS 33.20.010, or (2)
 14 definite term of imprisonment under (l) of this section may apply once for a
 15 modification or reduction of sentence under the Alaska Rules of Criminal Procedure
 16 after serving [THE GREATER OF (A)] one-half of the definite term [OR (B) 30
 17 YEARS]. A defendant may not file and a court may not entertain more than one
 18 motion for modification or reduction of a sentence subject to this subsection,
 19 regardless of whether or not the court granted or denied a previous motion.

20 * Sec. 6. AS 12.55.125(l) is amended to read:

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

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

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

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

4 * Sec. 7. AS 12.55.125 is amended by adding a new subsection to read:

5 (o) In addition to the sentence imposed under (i) of this section on a defendant
6 convicted of a sexual offense, the court shall impose a period of probation of (1) 15
7 years if the defendant was convicted of an unclassified felony, (2) 10 years if the
8 defendant was convicted of a class A or class B felony, or (3) five years if the
9 defendant was convicted of a class C felony. The period of probation is in addition to
10 any sentence received under (i) of this section and may not be suspended or reduced.
11 Upon a defendant's release from confinement in a correctional facility, the defendant
12 is subject to this probation requirement and shall submit and comply with the terms
13 and requirements of the probation.

14 * Sec. 8. AS 12.63.100(1) is amended to read:

15 (1) "aggravated sex offense" means

16 (A) a crime under AS 11.41.100(a)(3), or a similar law of
17 another jurisdiction, in which the person committed or attempted to commit a
18 sexual offense, or a similar offense under the laws of the other jurisdiction; in
19 this subparagraph, "sexual offense" has the meaning given in
20 AS 11.41.100(a)(3);

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

- 24 (i) sexual assault in the first degree;
25 (ii) sexual assault in the second degree;
26 (iii) sexual abuse of a minor in the first degree; or
27 (iv) sexual abuse of a minor in the second degree; or

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

31 * Sec. 9. AS 12.63.100(2) is amended to read:

1 (2) "child kidnapping" means

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

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

9 (C) a crime, or an attempt, solicitation, or conspiracy to commit
10 a crime, under AS 11.41.300, or a similar law of another jurisdiction or a
11 similar provision under a former law of this state, if the victim was under
12 18 years of age at the time of the offense;

13 * Sec. 10. AS 33.16.150(a) is amended to read:

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

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

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

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

23 (4) shall report

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

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

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

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

31 (7) may not use, possess, handle, purchase, give, distribute, or

1 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
 2 drug for which a prescription is required under state or federal law without a
 3 prescription from a licensed medical professional to the parolee;

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

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

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

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

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

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

23 * Sec. 11. AS 47.17.068 is amended to read:

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

28 * Sec. 12. AS 11.41.438(a)(2) and 11.41.438(a)(3) are repealed.

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

31 DIRECTION TO DEPARTMENT OF PUBLIC SAFETY CONCERNING

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

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

11 APPLICABILITY. Sections 1, 2, 4 - 7, 11, and 12 of this Act apply to offenses
12 committed on or after the effective date of this section. References to prior offenses or
13 convictions in secs. 4 and 6 of this Act include offenses committed before, on, or after the
14 effective date of this section. Sections 3 and 10 of this Act apply to persons on probation or
15 parole for offenses committed before, on, or after the effective date of this Act.

16 * Sec. 15. Sections 3 and 10 of this Act take effect July 1, 2007.

17 * Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect immediately under
18 AS 01.10.070(c).

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24-LS1307P
Luckhaupt
2/2/06

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

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 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 three years
13 younger than the offender, or aids, induces, causes, or encourages a person who is 13,

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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;

(6) 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

(7) 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. 2. 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

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

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

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

9 * Sec. 3. AS 12.55.100 is amended by adding a new subsection to read:

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

13 * Sec. 4. AS 12.55.125(i) is amended to read:

14 (i) A defendant convicted of

15 (1) sexual assault in the first degree or sexual abuse of a minor in the
16 first degree may be sentenced to a definite term of imprisonment of not more than 99
17 years and shall be sentenced to a definite term within the following presumptive
18 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

19 (A) if the offense is a first felony conviction, AND does not
20 involve circumstances described in (B) of this paragraph, and the victim was

21 (i) less than 13 years of age, 25 to 30 years;

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

23 years;

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

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

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

1 years;

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

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

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

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

15 (i) under 13 years of age, 20 to 25 years;

16 (ii) 13 years of age or older, 15 to 25 [FIVE TO
17 EIGHT] years;

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

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

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

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

30 (F) if the offense is a third felony conviction, the defendant is
31 not subject to sentencing under (I) of this section, and the defendant has two

1 prior convictions for sexual felonies, 99 [20 TO 30] years;

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (j) A defendant sentenced to a (1) mandatory term of imprisonment of 99
11 years under (a) of this section may apply once for a modification or reduction of
12 sentence under the Alaska Rules of Criminal Procedure after serving one-half of the
13 mandatory term without consideration of good time earned under AS 33.20.010, or (2)
14 definite term of imprisonment under (l) of this section may apply once for a
15 modification or reduction of sentence under the Alaska Rules of Criminal Procedure
16 after serving [THE GREATER OF (A)] one-half of the definite term [OR (B) 30
17 YEARS]. A defendant may not file and a court may not entertain more than one
18 motion for modification or reduction of a sentence subject to this subsection,
19 regardless of whether or not the court granted or denied a previous motion.

20 * Sec. 6. AS 12.55.125(l) is amended to read:

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

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

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

2 (3) imprisonment for the prescribed definite term may not be reduced,

3 except as provided in (j) of this section.

4 * Sec. 7. AS 12.55.125 is amended by adding a new subsection to read:

5 (o) In addition to the sentence imposed under (i) of this section on a defendant
6 convicted of a sexual offense, the court shall impose a period of probation of (1) 15
7 years if the defendant was convicted of an unclassified felony, (2) 10 years if the
8 defendant was convicted of a class A or class B felony, or (3) five years if the
9 defendant was convicted of a class C felony. The period of probation is in addition to
10 any sentence received under (i) of this section and may not be suspended or reduced.
11 Upon a defendant's release from confinement in a correctional facility, the defendant
12 is subject to this probation requirement and shall submit and comply with the terms
13 and requirements of the probation.

14 * Sec. 8. AS 12.63.100(1) is amended to read:

15 (1) "aggravated sex offense" means

16 (A) a crime under AS 11.41.100(a)(3), or a similar law of
17 another jurisdiction, in which the person committed or attempted to commit a
18 sexual offense, or a similar offense under the laws of the other jurisdiction; in
19 this subparagraph, "sexual offense" has the meaning given in
20 AS 11.41.100(a)(3);

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

24 (i) sexual assault in the first degree;

25 (ii) sexual assault in the second degree;

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

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

28 (C) a crime, or an attempt, solicitation, or conspiracy to commit
29 a crime, under AS 11.41.410, 11.41.434, or a similar law of another
30 jurisdiction or a similar provision under a former law of this state.

31 * Sec. 9. AS 12.63.100(2) is amended to read:

1 (2) "child kidnapping" means

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

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

9 (C) a crime, or an attempt, solicitation, or conspiracy to commit
10 a crime, under AS 11.41.300, or a similar law of another jurisdiction or a
11 similar provision under a former law of this state, if the victim was under
12 18 years of age at the time of the offense;

13 * Sec. 10. AS 33.16.150(a) is amended to read:

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

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

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

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

23 (4) shall report

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

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

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

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

31 (7) may not use, possess, handle, purchase, give, distribute, or

1 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
 2 drug for which a prescription is required under state or federal law without a
 3 prescription from a licensed medical professional to the parolee;

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

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

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

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

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

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

23 * Sec. 11. AS 47.17.068 is amended to read:

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

28 * Sec. 12. AS 11.41.438(a)(2) and 11.41.438(a)(3) are repealed.

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

31 DIRECTION TO DEPARTMENT OF PUBLIC SAFETY CONCERNING

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

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

11 APPLICABILITY. Sections 1, 2, 4 - 7, 11, and 12 of this Act apply to offenses
12 committed on or after the effective date of this section. References to prior offenses or
13 convictions in secs. 4 and 6 of this Act include offenses committed before, on, or after the
14 effective date of this section. Sections 3 and 10 of this Act apply to persons on probation or
15 parole for offenses committed before, on, or after the effective date of this Act.

16 * Sec. 15. Sections 3 and 10 of this Act take effect July 1, 2007.

17 * Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect immediately under
18 AS 01.10.070(c).

ADOPTED 2/2/06

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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, Kekesh, Green, Olson, Hoffman

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 penalties for failure to report child abuse or neglect; relating to sentencing for sex
5 offenders and habitual criminals; and providing for an effective date."

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

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

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

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

(6) 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

(7) 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. 2. 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

1 kidnapper to the Department of Public Safety.

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

4 * Sec. 3. AS 12.55.100 is amended by adding a new subsection to read:

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

8 * Sec. 4. AS 12.55.125(i) is amended to read:

9 (i) A defendant convicted of

10 (1) sexual assault in the first degree or sexual abuse of a minor in the
11 first degree may be sentenced to a definite term of imprisonment of not more than 99
12 years and shall be sentenced to a definite term within the following presumptive
13 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

16 (i) less than 13 years of age, 25 to 30 years;

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

18 years;

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

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

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

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

31 (F) if the offense is a third felony conviction, the defendant is

1 not subject to sentencing under (I) of this section, and the defendant has two
2 prior convictions for sexual felonies, 99 [30 TO 40] years;

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

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

10 (i) under 13 years of age, 20 to 25 years;

11 (ii) 13 years of age or older, 15 to 25 [FIVE TO
12 EIGHT] years;

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

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

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

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

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

28 (3) sexual assault in the second degree, sexual abuse of a minor in the
29 second degree, unlawful exploitation of a minor, or distribution of child pornography
30 may be sentenced to a definite term of imprisonment of not more than 99 [20] years
31 and shall be sentenced to a definite term within the following presumptive ranges,

1 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

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

30 (D) if the offense is a third felony conviction and does not
31 involve circumstances described in (E) of this paragraph, 15 to 25 [THREE TO

1 SIX] years;

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

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

5 (j) A defendant sentenced to a (1) mandatory term of imprisonment of 99
6 years under (a) of this section may apply once for a modification or reduction of
7 sentence under the Alaska Rules of Criminal Procedure after serving one-half of the
8 mandatory term without consideration of good time earned under AS 33.20.010, or (2)
9 definite term of imprisonment under (l) of this section may apply once for a
10 modification or reduction of sentence under the Alaska Rules of Criminal Procedure
11 after serving [THE GREATER OF (A)] one-half of the definite term [OR (B) 30
12 YEARS]. A defendant may not file and a court may not entertain more than one
13 motion for modification or reduction of a sentence subject to this subsection,
14 regardless of whether or not the court granted or denied a previous motion.

15 * Sec. 6. AS 12.55.125(l) is amended to read:

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

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

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

28 (3) imprisonment for the prescribed definite term may not be reduced,
29 except as provided in (i) of this section.

30 * Sec. 7. AS 12.55.125 is amended by adding a new subsection to read:

31 (o) In addition to the sentence imposed under (l) of this section on a defendant

1 convicted of a sexual offense, the court shall impose a period of probation of (1) 15
2 years if the defendant was convicted of an unclassified felony, (2) 10 years if the
3 defendant was convicted of a class A or class B felony, or (3) five years if the
4 defendant was convicted of a class C felony. The period of probation is in addition to
5 any sentence received under (i) of this section and may not be suspended or reduced.
6 Upon a defendant's release from confinement in a correctional facility, the defendant
7 is subject to this probation requirement and shall submit and comply with the terms
8 and requirements of the probation.

9 * Sec. 8. AS 33.16.150(a) is amended to read:

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

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

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

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

19 (4) shall report

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

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

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

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

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

31 (8) may not possess or control a firearm; in this paragraph, "firearm"

1 has the meaning given in AS 11.81.900;

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

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

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

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

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

19 * Sec. 9. AS 47.17.068 is amended to read:

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

24 * Sec. 10. AS 11.41.438(a)(2) and 11.41.438(a)(3) are repealed.

25 * Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **DIRECTION TO DEPARTMENT OF PUBLIC SAFETY CONCERNING**
28 **CENTRAL REGISTRY OF SEX OFFENDERS AND CHILD KIDNAPPERS.** The
29 Department of Public Safety shall provide on the Internet website that the department
30 maintains for the central registry of sex offenders and child kidnappers information as to how
31 members of the public using the website may access or compile the information relating to

1 sex offenders or child kidnappers for a particular geographic area on a map. The information
2 may direct members to mapping programs available on the Internet and to Internet websites
3 where information contained in the registry has already been converted to a map or
4 geographic format.

5 * Sec. 12. The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 APPLICABILITY. Sections 1, 2, 4 - 7, 9, and 10 of this Act apply to offenses
8 committed on or after the effective date of this section. References to prior offenses or
9 convictions in secs. 4 and 6 of this Act include offenses committed before, on, or after the
10 effective date of this section.

11 * Sec. 13. Sections 3 and 8 of this Act take effect July 1, 2007.

12 * Sec. 14. Except as provided in sec. 13 of this Act, this Act takes effect immediately under
13 AS 01.10.070(c).



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.

	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	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) 3 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
Numbers in parentheses are the current presumptive ranges and maximums Numbers in bold show the new presumptive ranges and new maximums							

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 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	1,216	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.



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.

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

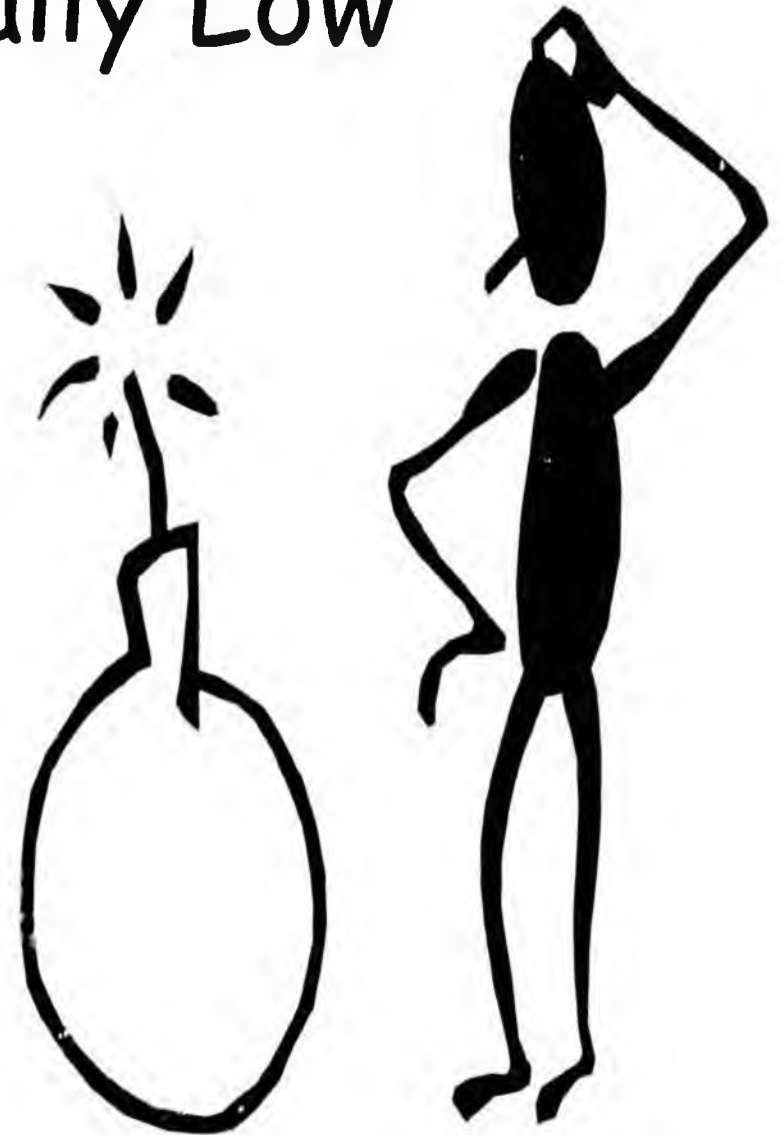


NIBRS 1991-1996, Snyder, 2000

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)

Janice K. Marques,¹ Mark Wiederanders,^{1,3} David M. Day,¹
Craig Nelson,² and Alice van Ommeren¹

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 skill. 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

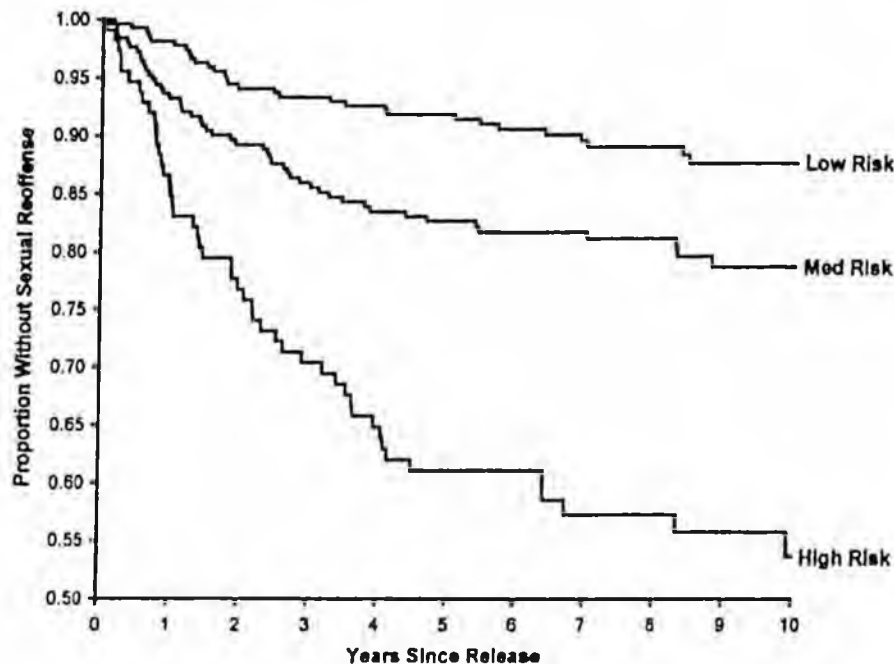


Fig. 1. Survival curves for three groups differing on static risk (Static-Lite) scores.

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	2.2	21.6	21.6
Volunteer control	225	1.88	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

	Static-Lite score			Overall rates % (n)
	Low % (n)	Medium % (n)	High % (n)	
Got It? ^a				
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%), $\chi^2(1, N = 126) = 7.57, p = .006$.

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

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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: 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 man in your position would take this matter very serio ly 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

THE PURPOSES AND RATIONALE UNDERLYING
THE INCREASE IN SENTENCING RANGES
FOR FELONY SEX CRIMES IN ALASKA

SENATE BILL 218

By: Senator Con Bunde and Senator Gretchen Guess

February 2006

The Purposes And Rationale Underlying
The Increase In Sentencing Ranges
For Felony Sex Crimes in Alaska
Senate Bill 219

Senate Bill 218 adopts longer sentences for, and closer supervision of, convicted sex offenders. This is appropriate in light of

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

(2) The growing body of knowledge about 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 an epidemic. 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. In addition, Alaska has never been ranked below number five in the nation for sexual assault since 1976, when data collection began. The State currently has approximately 2.5 times the national average for sexual assault (Uniform Crime Report, FBI). The median age of rape victims in Alaska is 13 years old. Today we have 4300 registered sex offenders in our Alaskan communities.

Even with startlingly high sex offense rates, sexual abuse and assault are still largely underreported (16% of victims report the assault, Kilpatrick Rape in America Report, 1992), arrest rates are also low (27% of reported sex crimes result in an arrest, Snyder, 2000), and hundreds more sex offenders are convicted each year in Alaska. Thus, the number of sex offenders in Alaska is significantly higher than 4300 individuals.

It seems obvious that current sentences for sex offenses are not sufficient in "detering . . . other members of society from future criminal conduct." AS 12.55.005(5). This principle of "general deterrence" has been recognized in Alaska law since the *Chaney* decision was issued 35 years ago.

Although it may be cynically argued that long sentences do nothing to deter sex offenders, that is not the case. Sex offenses are crimes of intent. Although sometimes fueled by alcohol, anger or abuse as a child, sex crimes are, first and foremost, intentional conduct. Offenders who have the most victims are the ones who often plan carefully, and are skilled manipulators. Sex offenders in prison are well-behaved, and on probation and parole they appear, on the surface, to be model ex-convicts. Offenders such as these who can modify their behavior, can be deterred by the threat of long sentences.

The treatments (cognitive-behavioral, psychotherapy and behavioral) provided to sex offenders both in other states and in Alaska have not proven to be effective (SOTEP Report, 1995). 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.

The sentence ranges in SB 218 start at increasingly higher levels when an offender has a prior record of both non-sex related felonies and sexual felonies. This takes into account the decreased potential for rehabilitation with each successive conviction. The "likelihood of rehabilitation" is a recognized consideration in sentencing. AS 12.55.005(2) and *Chaney*.

Perhaps most disturbing is that child molesters are even more likely than adult sex offenders to be re-arrested for a sex crime. Forty-three percent of sex offenders re-offend within three years (Langdon, Schmitt, and Durose "Recidivism of Sex Offenders Released from Prison in 1994", Bureau of Justice Statistics November 2003).

Currently, 78.5% of sex offenders have at least one prior arrest and they average 4.5 prior arrests (Langdon, *et al.*). In Alaska, the statistics are even more startling: of the 927 convicted sex offenders in custody on January 24, 2006, 93% have at least one prior arrest; the average number of arrests per sex offender is 11.75; and more than 41% have been arrested ten or more times (Alaska Department of Corrections, Research Section, 2006).

Sexual predators average 110 victims and 318 offenses before being caught. However, some predators have even more. Polygraphs are imperative in testing offenders and determining the number of victims; 80% of sex

offenders examined with polygraphs were found to be deceptive in their answers (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). Sex offenders reported 3.5 times the known number of victims and 4.5 times the known number of incidents when given a polygraph test. Offenders under polygraph examination also reported an earlier age when they began offending than was previously known (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).

Thus, there is a "need to confine [such defendants] to prevent further harm to the public." AS 12.55.005(3). There is a need for longer sentences to deter the individual defendant. AS 12.55.005(5). The need for confinement to protect the public, and the concept of individual deterrence, have also been recognized aspects of criminal sentencing since *Chaney*.

Sex offenders go undetected for an average of 16 years (Ahlmeyer, *et al.*), 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 for offenders is between 12 and 16 years old (Ahlmeyer, *et al.*). Early detection and intervention in sex offenses committed by juveniles may be one fruitful way of addressing sex crimes generally, especially in the future. However, sex offenses committed by juveniles is a topic that is beyond the scope of Senate Bill 218, which deals with the immediate crisis facing Alaska.

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 (Holmes, University of Pennsylvania School of Medicine). Young girls forced to have sex are three times more likely to develop psychiatric disorders, become sexually active earlier in life and abuse alcohol and drugs in adulthood (Kendler, M.D. Medical College of Virginia Commonwealth University, *Archives of General Psychiatry* 2000; 57:953-959).

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 endanger "the public safety or order." AS 12.55.005(4). Therefore sentences for sex offenses should be increased significantly.

The effect of sex offenses on the victim, and the victim's family, is enormous. But the effect on 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 they fear that they, too, may become a victim. The financial costs to society are also significant. On average, 521 victims report sexual assault each year in Alaska. The National Institute of Justice estimates that the average cost of caring for each victim is \$86,500; thus Alaska is spending more than \$45 million on sexual assault victims.

"Restoration of the victim and the community" is another recognized sentencing factor. AS 12.55.005(7). If convicted sex offenders serve longer sentences, and potential sex offenders are deterred by the threat of those sentences, women and children may feel safer, and we have taken the first step toward community restoration. The community has good reason to be shocked at the sobering statistics relating to sex offenses in Alaska, and to be outraged at the intentional conduct underlying those offenses. The new sentence ranges imposed by Senate Bill 218 thus allows the community to express another sentencing factor: "community condemnation of the criminal act and reaffirmation of societal norms." AS 12.55.005(7).

The Alaska appellate courts have sometimes questioned whether decisions by the legislature in setting presumptive sentences were intended to achieve the results that they did. In the case of sentence ranges imposed by Senate Bill 218, the result of greatly increased sentences are, indeed, intended. Whether by increasing the lower or upper ends of the sentencing range, or by further limiting when sentences can be reduced for "good behavior" in prison, the effect of this bill is to increase the sentences for sex offenses, sometimes above what may be theoretically available for a person convicted of a crime in a higher crime classification or of a crime that may involve greater observable physical injury to the victim.

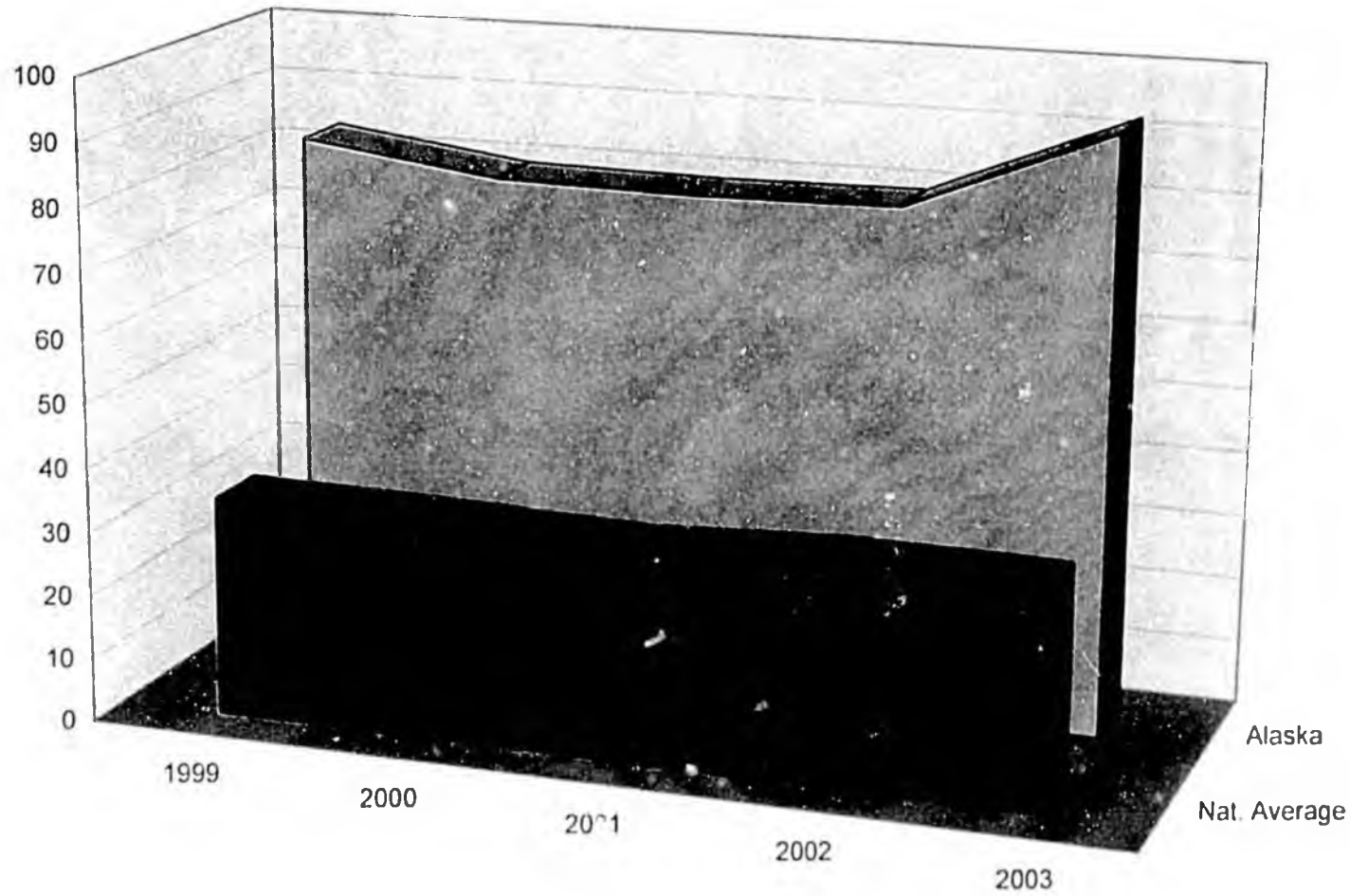
However, as discussed above, sexual crimes are often crimes of planning, intent and manipulation, and most sex offenders can control their behavior. In addition, sex offenses are almost always perpetrated on vulnerable

victims: primarily women and children, and often on intoxicated or unconscious women. If there is one type of crime that uniformly strikes fear into the hearts and minds of Alaskans, it is the fear that they, or a loved one, will be raped or sexually abused. No other crime—not murder or robbery or burglary—is so universally feared, and with justification. The victims and perpetrators of this Alaska epidemic span all social, cultural, religious and economic classes.

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 real and perceived increase in safety achieved by these increased sentences.

Senator Con Bunde
Senator Gretchen Guess

Forcible rapes per 100,000



■ Nat. Average
□ Alaska

	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

	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) 3 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>							

MYTHS AND FACTS ABOUT "SEX OFFENDERS":
An Initial Response to Senate Bill 218

MYTH: *Sex offenders have a high rate of recidivism and most sex offenders are likely to reoffend.*

FACT: Studies have repeatedly shown that sex offenders have a low rate of recidivism (generally estimated at 5-25%), much lower than the general criminal population. More importantly, studies have shown that recidivist rates vary greatly among the different types of sex offenders and are directly related to specific characteristics of the offender and the offense. First time offenders have consistently been shown to be low-risk.

Sources: "Sex Offender Sentencing: Sentencing Guidelines Commission, 2004," State of Washington Sentencing Commission in response to proposed legislation involving Special Sex Offender Sentencing Alternative (SSOSA) See: <http://www.sgc.wa.gov/PUBS/SSOSARreport.pdf>; "Assessing Risk Among Sex Offenders In Virginia," Virginia Criminal Sentencing Commission, reported January 2001. See: http://www.vcsc.state.va.us/sex_off_report.pdf; Andrew JR Harris and R. Karl Hanson., "Public Safety and Emergency Preparedness Canada. Sex Offender. Recidivism: A Simple Question. 2004-03." http://www2.psepc-sppcc.gc.ca/publications/corrections/pdf/200403-2_e.pdf; United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *including statistics showing that the number of substantiated cases of sexual abuse of children declined 40% from 1992 to 2000. Victim-reported sex offenses involving children declined by 56%.*

MYTH: *All sex crimes represent criminal behavior that is grossly deviant and highly dangerous to society*

FACT: Just as the term "sex offender" should not be used as though all persons convicted of sex offenses are the same and equally dangerous, so too should the differences between what qualifies as a "sex offense" be recognized. Under Alaska law, Sexual Assault 2 includes conduct such as fully consensual statutory rape (which can and does include the nineteen year old boyfriend having sex with his fifteen year old girlfriend) and groping (that is, a drunken man touching a woman's breast over her clothing). Currently, a first time offender of Sexual Assault 2 (a person with no prior felony convictions) faces a presumptive term of 2 to 4 years with a maximum of 20 years. Senate Bill 218 seeks to change that to a presumptive term of 10 to 15 years with a maximum of 99 years.

See A.S. 11.41.410-470, defining various levels and culpabilities for the degrees of sexual assault and sexual abuse.

MYTH: *The number of dangerous sex offenders is on the rise.*

FACT: Despite the publicity surrounding certain high profile cases, the rate of sexual assault and child sexual abuse has actually significantly dropped in the last decade. Indeed, a recent study has shown that the rate of sexual assaults per every 1,000 children fell 79% nationwide from 1993 to 2003.

Sources: Analysis by Crimes Against Children Research Center, University of New Hampshire, of data from National Crime Victimization Survey (available at http://www.usatstcrj.com/new/nation/2005-08-24-sex-crimes-cover_x.htm?POE=NEWISVA), Department of Justice Center for Sex Offender Management Statistics (available at <http://www.csom.org/pubs/mythsfacts.html>)

MYTH: *There are no wrongfully convicted sex offenders in our system*

FACT: There are almost certainly wrongfully convicted sex offenders in our system. Recent DNA exonerations have demonstrated how faulty eye-witness identification can be especially in sex assault cases and non-DNA exonerations involving multiple child victims have shown how frighteningly easy it can sometimes be for young children to falsely accuse someone.

Sources: Samuel H. Koenig et al, *Exonerations in the United States from 1993 to 2003* (available at <http://www.mindfully.org/Reform/2004/Prison-Exonerations-Gross19.apr04.htm>); http://en.wikipedia.org/wiki/False_memory (discussing exonerations involving children's false memories of abuse; See also Rob Warden, *The Rape That Wasn't: The First DNA Exoneration in Illinois*, available at <http://www.law.northwestern.edu/depts/clinc/wrongful/exonerations/Dotson.htm>, (discussing how the first DNA exoneration was a case involving a fabricated accusation of rape against Gary Dotson).

THE TRUTH ABOUT SEXUAL OFFENDER RECIDIVISM

It is widely believed that a person convicted of a sex offense ("a sex-offender") is very likely to commit another sexual offense, and should be viewed as a threat to public safety.

This belief is simply untrue.

The truth is that most sexual offenders never commit another sexual offense after they are released from jail. This has been established by scientific study, over and over. It has been proved right here in Alaska, by our own experts,¹ and world-wide, as well.²

75% of the men convicted of a sexual crime will never be convicted of another sexual crime. That's what the data shows.

One of the most prominent researchers to study the question of sexual offender recidivism, Dr. R. Karl Hanson, has published on this subject for the past 20 years, and is widely viewed as one of the world's leading experts on the subject. Dr. Hanson has been consulted, in fact, by the Alaska Department of Corrections itself.

Dr. Hanson, with his colleague Dr. Andrew Harris, recently published a major study of sex offender recidivism, which involved follow-up studies of more than 4700 men who had been released from prison after serving time for a sexual offense.³

This study established that most sexual offenders do not commit another sexual offense. Three out of four persons who are released from jail after conviction for a sexual offense will not have been charged with any further such offense even after the passage of 15 years.⁴

The truth is that sex offenders are very unlikely to commit another crime. They are much less likely to commit another crime than any other group of criminals. This has been proved in many places, including in Alaska.

It is also important to recognize that some sex offenders are even less likely to recidivate than are others. For example, first-time sexual offenders are significantly less likely to commit any other sexual offense than our offenders with a previous sexual conviction. **80% of first-time sex offenders who are released from prison never commit another sexual offense.**⁵

Other sex offenders who are even less likely to re-offend include those who are over the age of 50 at the time of their release. Nine out of 10 of these older offenders committed no subsequent sexual offense after release. Furthermore, the

longer an offender remains in the community without committing a subsequent offense, the smaller the chance of recidivism is. The greatest risk of recidivism is in the first two years following release.⁶

Factors associated with increased risk for recidivism include 1) male victims, 2) prior sexual offenses, and 3) age under 50 years.⁷

Incest offenders who molest girls recidivate at a significantly lower rate than offenders who target victims outside the family. Of this group, 85% of those released from prison will not commit another sexual offense within the following 15 years.⁸ Incest offenders who target boys have a higher recidivism rate.⁹

The highest recidivism rates for sexual offenses are for offenders who have more than one sexual conviction. Notably, however, even offenders in this group are not likely to commit another sexual offense. Over a period of 15 years, 63% of men with more than one conviction for a sexual offense will NOT commit another sexual offense.¹⁰

Conclusion: Most of the people who commit a sex offense will never commit another sexual crime. The popular belief that sex offenders are the most dangerous class of criminals is not true. While there are sex offenders who have had many victims, the number of these people in the class as a whole is very small.

¹ See Mander, Anthony M., Atrops, Martin E., Barnes, Allan R., and Munalo, Roscenne (1996). Sex Offender Treatment Program: Initial recidivism study. This study is available "Sex Offender Recidivism Study" done by the Alaska Department of Corrections, and available through DOC and the UAA Justice Center. Among other things, this study showed that sex offenders as a group are less likely to commit another crime than any other class of criminal.

² For national statistics, see Becker, J. and Murphy, W., "What We Know and Don't Know about Assessing and Treating Sex Offenders," Psychology, Public Policy and Law 4 (1998).

³ Harris, Andrew J.R. and Hanson, R. Karl (2004). Sex Offender Recidivism: A Simple Question 2004-03. Published by the Solicitor General of Canada, Minister of Public Safety and Emergency Preparedness. I encourage every legislator to review this study. It is available on the Internet at no charge at the following address:

http://ww2.psepc-sppcc.gc.ca/publications/corrections/pdf/200403-2_e.pdf

⁴ Hanson & Harris (2004). In another recent study of 9,691 sex offenders, the sexual recidivism rate was only 5.3% after three years. Langan, P.A., Schmitt, E. L., &

Durose, M. R. (2003). Recidivism of sex offenders released from prison in 1994. Bureau of Justice Statistics NCJ 198281. Washington, DC: U.S. Department of Justice. This report is available on the internet at <http://www.ojp.usdoj.gov/bjs/abstract/rpr94.htm>.

- ⁵ Hanson & Harris (2004), page 7.
- ⁶ Hanson & Harris (2004).
- ⁷ Hanson & Harris (2004), page 11.
- ⁸ Hanson & Harris (2004), page 11.
- ⁹ Hanson & Bussiere (1998).
- ¹⁰ Hanson and Harris (2004) , page 8.

Sex Crimes Sentencing Comparison

		1st Felony (Victim Under 13)	1st Felony (Victim 13 or Over)	1st Felony (special: weapon, serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Unclassified Felony (SA 1, SAM 1)	Pre-2003	8	8	10	15	15	25	25	30
	2003	8	8	10	15	20*	25	30*	40
	2005	8-12	8-12	12-16	15-20	20-30*	25-35	30-40*	99
	SB 218	24 - 26	24 - 26	26-30	30-35	35-40*	40-45	99*	99
	CSSB 218	25 - 30	20 - 30	25-35	30-40	35-45*	40-60	99*	99

Class A Sex Offense (Att. SA1, Att. SAM 1)	Pre-2003	5	5	5	10	10	15	15	20
	2003	5	5	10	10	15*	15	20*	30
	2005	5-8	5-8	10-14	12-16	15-20*	15-25	20-30*	30
	SB 218	18-23	18-23	23-26	26-29	29-32*	32-35	99*	99
	CSSB 218	20-25	15-25	25-35	25-35	30-40*	35-50	99*	99

Class B Felony Sex Offense (SA 2, SAM 2, etc)	Pre-2003	0	0	0	4	4	6	6	10
	2003	0	0	0	5	10*	10	15*	20
	2005	2-4	2-4	2-4	5-8	10-14*	10-14	15-20*	20
	SB 218	16-21	16-21	16-21	21-24	24-27*	27-30	99*	99
	CSSB 218	10-15	10-15	10-15	10-25	15-30*	20-35	99*	99

Class C Felony Sex Offense (SA 3, SAM 3, Att. SA 2, Att. SAM 2)	Pre-2003	0	0	0	2	2	3	3	5
	2003	0	0	0	2	3*	3	6*	10
	2005	1-2	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB 218	10-15	10-15	10-15	15-18	18-21*	21-24	99*	99
	CSSB 218	3-12	3-12	3-12	8-15	12-20*	15-25	99*	99

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)

[2003 Law took away good time if prior sex felony conviction.]

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

Pre-2003 Statute: AS 12.55.125(c), (d), (e), and (i)

2003 Statute: §§ 1-5 ch 90 SLA 2003, AS 12.55.125(i)

2005 Statute: §§ 8-13, 32 ch 2 SLA 2005 ("Blakely Bill")

Fax Cover Sheet

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907-465-2187**

**Re: SB 218 Written Testimony
from**

**Averic Lerman
Cara Mc Namara
Daniel Bair**

25 pages w/ cover sheet

Paul Keller

269-0111

Andrew J. R. Harris and R. Karl Hanson
Public Safety and Emergency Preparedness Canada

**Sex Offender
Recidivism:
A Simple Question**

2004-03

This document is available in French. Ce rapport est disponible en français sous le titre :
La récidive sexuelle : d'une simplicité trompeuse.

This document is also available on Public Safety and
Emergency Preparedness Canada's Internet site: <http://www.psepc-sppcc.gc.ca>.

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Abstract

This study examines sexual recidivism, as expressed by new charges or convictions for sexual offences, using the data from 10 follow-up studies of adult male sexual offenders (combined sample of 4,724). Results indicated that most sexual offenders do not re-offend sexually, that first-time sexual offenders are significantly less likely to sexually re-offend than those with previous sexual convictions, and that offenders over the age of 50 are less likely to re-offend than younger offenders. In addition, it was found that the longer offenders remained offence-free in the community the less likely they are to re-offend sexually. Data shows that rapists, incest offenders, "girl-victim" child molesters, and "boy-victim" child molesters recidivate at significantly different rates. These results challenge some commonly held beliefs about sexual recidivism and have implications for policies designed to manage the risk posed by convicted sexual offenders.

Introduction

Just about everybody would like to know how often sexual offenders recidivate with another sexual offence. Concerned politicians, an engaged media, and worried parents often assume that the recidivism risk of sexual offenders is extremely high, and routinely ask those working with this population questions such as "all sex offenders do it again don't they?" and "won't they just do it again if you let them out?" Such questions are best answered by appealing to research evidence; first, however, it is important to carefully consider the question being asked.

A Simple Question

The basic question about sexual offender recidivism is usually phrased along the following lines: "what percentage of sexual offenders commit another sexual offence once they've been released from prison?" This question is not as easy to answer as one might believe. First, we must define "recidivism". In some studies, recidivism is defined as a reconviction for a sexual offence (e.g., Hanson, Scott & Steffy, 1995). In other studies, recidivism includes all offenders who were charged with a new sexual offence, whether or not they were convicted (e.g., Song & Lieb, 1995). Including charges along with convictions should, of course, lead to higher estimates of recidivism (Prentky, Lee, Knight & Cerce, 1997). Other studies have used expanded definitions of sexual recidivism that include informal reports to child protection agencies, self-report, violations of conditional release conditions, and simply being questioned by police (e.g., Marshall & Barbaree, 1988). All else being equal, the estimated recidivism rate should increase with each expansion of the definition; the broader the definition, the larger the recidivism estimate should appear. Consequently, it is important to specify the recidivism criteria in any recidivism estimate (e.g., "what percentage of sexual offenders are either charged with, or convicted of, another sexual offence once they've been released from prison?")

Another factor to consider is the length of the follow-up period. As the follow-up period increases, the cumulative number of recidivists can only increase. It is important to remember, however, that an increase in the number of recidivists is not the same as an increase in the yearly rate of recidivism. For all crimes (and almost all behaviours) the likelihood that the behaviour will reappear decreases the longer the person has abstained from that behaviour. The recidivism rate within the first two years after release from prison is much higher than the recidivism rate between years 10 and 12 after release from prison. Consequently, any estimate of sexual re-offending must be "time-defined" or "time limited" (e.g., "over the first five years, post-release from prison, what percentage of sexual offenders are either charged with, or convicted of, another sexual offence?")

A third factor to consider is the diversity among sexual offenders. We know that incest offenders recidivate at a significantly lower rate than offenders who target victims outside the family (Hanson & Bussière, 1998). We also know that child molesters with male victims recidivate at a significantly higher rate than child molesters that only have girl victims (Hanson & Bussière, 1998). By considering the type of sexual offender, our simple question becomes, once again, more complex: (e.g., "over the first five years, post-release from prison, what percentage of child molesters with male victims are either charged with, or convicted of, another sexual offence?")

Many sexual offences are never reported to police; this is the same for all violent offences except murder. Our best estimates of unreported sexual offending come from victimization studies. In a typical study a random sample of people are telephoned and asked if they have been a victim of a crime within the last year. One recent victimization study found that there were approximately half a million sexual

assaults (499,000) committed in Canada in 1999 (Besserer & Trainor, 2000). Although reports to police of violent and sexual crimes were steadily declining in Canada between the years 1993 and 1999; the years 2000 and 2001 saw 1% increases in violent and sexual crimes (Savoie, 2002). Sexual victimization rates based upon victimization surveys appear to have remained basically unchanged across this same time period (Besserer & Trainor, 2000). The Besserer and Trainor (2000) study showed that sexual assault had the highest percentage of incidents that were not reported to police (78%). When respondents were asked why they did not report sexual victimization to the police, 59% of the respondents stated that the "incident was not important enough" to report. Consequently, readers may wonder what counts as a sexual assault.

The Besserer and Trainor (2000) victimization study used a very broad definition of sexual assault. They counted all attempts at forced sexual activity, all unwanted sexual touching, grabbing, kissing, and fondling, as well as threats of sexual assault (Jennifer Tuffs, personal communication, January 15, 2003). Their broad definition undoubtedly included some behaviours that do not conform to the popular image of a sexual offence.

All unwanted sexual advances are wrong, possibly criminal, and have the potential to do psychological harm to the victim. As a society, however, we need to decide whether we wish to count an unwanted touch on the buttocks as an unreported sexual crime. Coming to an agreement on what constitutes a sexual crime will be a difficult task. Setting the bar too low would criminalize social clumsiness and over-state the problem of sexual assault. Setting the bar too high would devalue those victims who, while sustaining no overt signs of trauma, may have truly suffered at the hands of a sexual assailant. A detailed examination of the relationship between observed and undetected sexual offences is beyond the scope of the current paper. Readers should be aware, however, that the answer to the simple question of sexual offence recidivism requires specifying the nature of the offences being considered. In the analyses that follow, recidivism is defined as sexual offences reported to police that are credible and sufficiently serious to justify charges or convictions.

The above review indicates that the simple question is not so simple. Rather than asking "how often do sexual offenders re-offend"; the informed reader would inquire about the recidivism rates of particular types of sexual offenders (e.g., incest offenders versus rapists for example), over a specific time period (e.g., 10 years) using a particular definition of recidivism (e.g., new convictions for a sexual offence). Failure to specify these distinctions can lead to wildly different estimates of the rate of sexual recidivism.

The present study addresses the question of sexual offender recidivism using a large, diverse sample drawn from multiple jurisdictions. The combined sample is sufficiently large (4,724) that it is possible to calculate stable estimates of the observed recidivism rates after five, 10, and 15 years of follow-up for important subgroups of sexual offenders: rapists, girl victim child molesters, boy victim child molesters, incest offenders, those with or without a prior sexual offence, older offenders (age greater than 50 at release) and younger offenders. This study also provides recidivism estimates for sex offenders who have been offence-free in the community for 5, 10, and 15 years.

Method

The Samples

The present sample (N = 4,724) is comprised of 10 individual sub-samples. These sub-samples range in size from 191 offenders to 1,138 offenders and were drawn from the following jurisdictions: Quebec, Ontario, Manitoba, Alberta, California, Washington, Her Majesty's Prison Service (England and Wales), and the Correctional Service of Canada (CSC; 3 data sets). In five of the samples, "conviction for a sexual offence" was used as the recidivism criteria, in another four samples both "charges and convictions for another sexual offence" was used as the recidivism criteria. In one sample (Manitoba), charges, convictions, and additional police information were used as the recidivism criteria. An overview of the samples is presented in Table 1.

All the offenders were released from correctional institutions with the exception of the Manitoba Probation sample and about half of the offenders from the Washington sample, who received community sentences. Racial ethnicity was not recorded for most samples, but given the demographics of the provinces, states and countries from which they were selected, the offenders can be expected to be predominantly white. All offenders were adult males (18 years old or older at time of release). Thirty-seven percent of the offenders were single and 27.9% had previously been sentenced for a sexual offence (9.4% had been sentenced more than once).

Canadian Federal – Pacific Region (CS/RESORS Consulting, 1991; Hanson, Broom & Stephenson, 2004). This study followed sexual offenders released in British Columbia between 1976 and 1992. The original aim of the study was to compare offenders who received mandatory community counselling (n = 401) and those released in earlier years without the benefit of this post-release program (n = 288). Offenders released in the 1983/84 fiscal year (n = 38) were removed from this sample to avoid overlap with the other CSC cohort described below. Recidivism information was coded in 2000 from Royal Canadian Mounted Police (RCMP) records. Charges and convictions for sexual offences were used as the recidivism criteria in this sample.

Canadian Federal Recidivism Study - 1983/1984 Releases (Bonta & Hanson, 1995a; see also Bonta & Hanson, 1995b). This study examined the 316 sexual offenders included in the complete sample of 3,180 federal offenders released by the CSC in the fiscal year 1983/1984. Sexual offenders were defined as those who were released following any sexual conviction. Recidivism information was collected in 1994 using national criminal history records maintained by the RCMP. Conviction for another sexual offence was used as the recidivism criteria in this sample.

Canadian Federal 1991 to 1994 Releases (Motiuk & Brown, 1993; Motiuk & Brown, 1996). This study followed a group of sexual offenders released by CSC between 1991 and 1994. The offenders in this group were those who were reviewed in 1991 (see Motiuk & Porporino, 1993) while they were still incarcerated. Follow-up information was coded in 1994 from RCMP records. Charges and convictions for another sexual offence were used as the recidivism criteria in this sample.

Millbrook Recidivism Study (Hanson, Scott, & Steffy, 1995; Hanson, Steffy, & Gauthier, 1992; Hanson, Steffy, & Gauthier, 1993). This study collected long-term recidivism information (15-30 years) for child molesters released between 1958 and 1974 from Millbrook Correctional Centre, a maximum security provincial correctional facility located in Ontario, Canada. About half of the sample went through a brief treatment program. Recidivism information was coded from RCMP records in 1989 and 1991. Conviction for another sexual offence was used as the recidivism criteria in this sample.

Institut Philippe Pinel (Montreal). (Proulx, Pellerin, McKibben, Aubut & Ouimet, 1997; Pellerin et al., 1996). This study focused on sexual offenders treated at a maximum security psychiatric facility between 1978 and 1993. The Institut Philippe Pinel in Montreal provides long term (1-3 years) treatment for sexual offenders referred from both the mental health and correctional systems. Recidivism information

Table 1
Study characteristics.

Sample	Total Sample Size	Age (SD)	Offender type Rape/EX/IN (%)	Sample size for type	Average years of follow-up	Sexual Recid. Rate	Recidivism Criteria
Canadian Federal - Pacific	689	38 (11)	36 / 30 / 33	362	11	24.7	Chgs & Convic
Canadian Federal - 1983/84	316	31 (8.7)	-- / -- / --	0	10	19.7	Convictions
Canadian Federal - 1991/94	241	37 (11)	53 / 19 / 28	208	2	7.1	Chgs & Convic
Millbrook, Ontario	186	33 (10)	00 / 82 / 18	186	23	35.5	Convictions
Institut Philippe Pinel	363	36 (11)	30 / 43 / 27	349	4	16.3	Convictions
Alberta Hospital Edmonton	363	36 (10)	27 / 27 / 46	363	5	5.5	Convictions
SOTEP (California)	1137	38 (8.9)	29 / 40 / 31	1130	5	13.3	Chgs & Convic
HM Prison Service (UK)	529	36 (12)	53 / 32 / 15	325	16	25.7	Convictions
Washington State SSOSA	587	36 (13)	10 / 41 / 49	582	5	7.5	Chgs & Convic
Manitoba Probation	202	35 (12)	26 / 42 / 32	128	2	10.2	Chgs & Convic Plus

Note: EX = Extrafamilial child molesters; IN = Intrafamilial child molesters

was collected in 1994 from RCMP records. Conviction for another sexual offence was used as the recidivism criteria in this sample.

Alberta Hospital Edmonton - Phoenix Program. (Reddon, 1996; see also Studer, Reddon, Roper & Estrada, 1996). The sexual offenders in this study were drawn from those treated at the Phoenix (Alberta Hospital Edmonton) program between 1987 and 1994. The Phoenix program is an eclectic inpatient treatment program that receives many of its referrals from federal correctional facilities. Recidivism information was collected in 1995 using RCMP records. Conviction for another sexual offence was used as the recidivism criteria in this sample.

California's Sex Offender Treatment and Evaluation Project (SOTEP). (Marques & Day, 1996; see also Marques, Day, Nelson & West, 1993; Marques, Nelson, West & Day, 1994). The primary aim of this ongoing study is to examine the efficacy of treatment. The sample used in the current study included sexual offenders randomly assigned to treatment ($n = 172$), matched volunteer controls, treatment refusers, as well as a general sample of sexual offenders from the California correctional system (total sample of 1,137). Men who had offended only against their biological children were not included. Subjects were admitted to this study between 1985 and 1995; follow-up information was collected in 1995 based on local and national criminal records, as well as local police and probation reports. Charges and convictions for another sexual offence were used as the recidivism criteria in this sample.

Her Majesty's Prison Service (UK). (Thornton, 1997). This study provided a 16 year follow-up of all sexual offenders released from Her Majesty's Prison Service (England and Wales) in 1979 ($n = 573$). Recidivism information was based on Home Office records collected in 1995. Very few of the offenders in this sample would have received specialised sexual offender treatment. Conviction for another sexual offence was used as the recidivism criteria in this sample.

Washington SSOSA. (Berliner, Schram, Miller & Milloy, 1995; Song & Lieb, 1995). This data set was created to evaluate Washington State's Special Sex Offender Sentencing Alternative (SSOSA), which allows judges to sentence sex offenders to community treatment. To be eligible for SSOSA, offenders must be facing their first felony conviction for sexual crimes other than first or second degree rape. The sample consisted of 287 offenders who received SSOSA and 300 who were statutorily eligible for SSOSA but did not receive it. The majority of the sample was White (85%). Offenders were convicted between January 1985 and June 1986, with follow-up data collected in December, 1990. Charges and convictions for another sexual offence were used as the recidivism criteria in this sample.

Manitoba Probation. (Hanson, 2002). This follow-up study was conducted as an evaluation of a risk scale used by probation officers in Manitoba, Canada. The 202 offenders were consecutive admissions to probation between May, 1997 and February, 1999. Recidivism information was collected in November, 2000, based on RCMP records. Unlike the RCMP records used in the other studies (which included only charges and convictions that went to court), the RCMP records for the Manitoba sample included unresolved charges and cases currently under police investigation.

Analysis

Case specific information (without individual identifiers) from the original 10 data sets were merged for the analysis. Recidivism estimates were computed using survival analysis (e.g., Allison, 1984). This analysis produces the cumulative proportion surviving at the end of a specific time period. These survival percentages were then subtracted from 100 to produce estimates of the recidivism potential at five, ten, and fifteen year intervals. In addition, the standard error of measurement was calculated for these estimates allowing for the calculation of 95% confidence intervals. Confidence intervals of 95% indicate the range within which the observed recidivism percentage should be four "19 times out of 20" or 95% of the time.

Results

Sexual recidivism was measured using the original definitions from the original research reports: 5 data sets used convictions, 4 data sets used new charges (or a new conviction), and one sample used convictions, charges, and additional police information (Manitoba). The five and 10 year recidivism estimates were 17% and 21% for the studies that used only convictions as their recidivism criteria, and 12% and 19% for the studies that used charges and convictions as their recidivism criteria. Given the similarity in the recidivism rates based on convictions alone and charges and convictions, the data was combined to provide overall estimates of sexual recidivism rates. The rates estimated using the combined sample would be closer to the reconviction rate than the re-arrest rate because it appeared that the sources used for the recidivism data contained relatively few charges that did not ultimately result in conviction.

Sexual recidivism rates

Table 2 summarises the recidivism estimates for three distinct time periods, five years, ten years, and fifteen years, for each of the subgroups examined. The overall recidivism rates (14% after 5 years, 20% after 10 years and 24% after 15 years) were similar for rapists (14%, 21% and 24%) and the combined group of child molesters (13%, 18%, and 23%). There were, however, significant differences: between the child molesters, with the highest rates observed among the extrafamilial boy-victim child molesters (35% after 15 years) and the lowest observed rates for the incest offenders (13% after 15 years).

Offenders with a prior sexual offence conviction had recidivism rates about double the rate observed for first-time sexual offenders (19% versus 37% after 15 years). Age also had a substantial association with recidivism, with offenders older than age 50 at release reoffending at half the rate of the younger (less than 50) offenders (12% versus 26%, respectively, after 15 years). As expected, those who have remained offence free in the community were at reduced risk for subsequent sexual recidivism. Whereas the average 10 year recidivism rate from time of release was 20%, the 10 year recidivism declined to 12% after five years offence-free and to 9% after 10 years offence-free. The five year recidivism rate for those who had been offence-free for 15 years was 4%. Offence-free was defined as no new sexual or violent non-sexual offence, and no non-violent offences serious enough that they are incarcerated at the end of the follow-up period.

Survival curves

The numbers in Table 2 were drawn from the survival analyses presented in Figures 1 through 6 (see Appendix I). Readers interested in further details of the recidivism rates can use these figures to estimate recidivism rates for different time periods (e.g., 3 years). Each offender is represented on the graph in the top left-hand corner at the time of release (time of sentencing for the community samples). Upon release, none have yet recidivated in the community – hence, 100% have not recidivated at time “0”. As time passes (shown on the horizontal axis of the graph) some offenders recidivate and the survival curve descends. In order to know the percentage of offenders who have remained offence-free in the community for 10 years, follow a vertical line from the 10 year mark (on the axis labelled “Time in years”) up to the survival curve. Next, go perpendicular from that point on the survival curve to the vertical axis (labelled “percentage of offenders that have not sexually recidivated”). To determine the percentage of offenders that have recidivated, simply subtract the percentage of offenders still in the community from 100.

One factor that should be noted from the graphs is that without exception, the longer offenders remain offence-free in the community the less likely they are to sexually recidivate. The flattening, or plateauing, of the curves over time shows this fact. The steepest part of the curve (the highest risk period) is in the first few years after release.

Table 2
Sexual Recidivism (%) across Time and Samples.

Sub-Group		5 Years	10 Years	15 Years	Shown in Figure #
All sexual offenders		14	20	24	1
Rapists		14	21	24	2
Extended Incest Child Molesters		6	9	13	3
"Girl Victim" Child Molesters		9	13	16	3
"Boy Victim" Child Molesters		23	28	35	3
Offenders without a previous sexual conviction versus those with a previous sexual conviction	Without	10	15	19	4
	With	25	32	37	4
Offenders over age 50 at release versus offenders less than age 50 at release	Over 50	7	11	12	5
	Less than 50	15	21	26	5
Sex Offenders - offence free in the community for Five, Ten, and Fifteen years	5 years	7	12	15	6
	10 years	5	9	‡	6
	15 years	4	‡	‡	6

‡ = Insufficient data to compute reliable estimates

Error of estimation

The data presented in all the graphs and in Table 2 are estimates, and some error is inherent in the estimation process. If the study was repeated with different samples, the numbers would not be exactly the same. One way to appreciate the stability of estimates is to calculate 95% confidence intervals based on the standard error of estimate from survival analysis (see Appendix II). Survival analysis computes standard error of estimate based on the number of recidivists and non-recidivists available at each previous time interval. The 95% confidence intervals indicate the range in which the results are likely to be found, 19 times out of 20, if the study were repeated 20 times.

For example, looking at Appendix II, the five year estimate for the overall sample (14.0%) was based on an initial sample of 4,724 of which 2,492 were followed for at least 5 years. The 95% confidence interval was 12.88% to 15.12%, plus or minus 1.12% from the estimate of 14.0%. With large sample sizes, the confidence intervals are narrow, indicating that subsequent research is likely to find very similar results. Readers should note, however, that confidence intervals expanded with extended follow-up times and when subgroups of offenders were examined. For example, the 15 year estimate for boy-victim child molesters (35.4%), was based upon only 95 observations and had a confidence interval from 29.3% to 40.7% ($\pm 5.7\%$). Most of the confidence intervals were less than 5%.

Interpretation of recidivism estimates

The recidivism estimates may be applied to the general case or to the individual offender. For example, if you were faced with a group of 100 newly released rapists and you wanted to follow these offenders in the community over time (Looking at Table 2 - Second sub-group - "Rapists") you would expect fourteen (14) of these 100 rapists to reoffend within the first 5 years. In the following 5 years, follow-up years 6 through 10, you would expect a further 7 rapists to reoffend for a total of 21 offenders failing after 10 years. In the following 5 years, follow-up years 10 through 15, you would expect a further 3 rapists to recidivate for a 15-year estimated total of 24 out of 100, or 24% of the sample. It is interesting to note that in each successive 5-year period that the recidivism rate basically halves, from 14% in the first 5 years post-release, to 7% in the second 5-year period, to 3% in the third 5-year period.

You may also estimate the recidivism probabilities of one offender over time. If you have one "typical" rapist, the chance that he will recidivate by the end of the first 5 years would be estimated at 14%, by the end of 10 years at 21%, and by the end of 15 years at 24%. The probability of recidivism for an individual offender will be the same as the observed recidivism rate for the group to which he most closely belongs. The individual's recidivism risk will differ from his group's recidivism rate to the extent that the offender differs from "typical" members of the group (e.g., has committed more or fewer offences than average for that group). It is important to remember that the confidence intervals for the recidivism estimates only apply to the group estimates and not to the individual estimates. In statistical language, the expected mean value for the individual is the same as the group mean, but the variance of the mean is much greater for the individual estimate than for the group estimate.

Discussion

Most sexual offenders do not re-offend sexually over time. This may be the most important finding of this study as this finding is contrary to some strongly held beliefs. After 15 years, 73% of sexual offenders had not been charged with, or convicted of, another sexual offence. The sample was sufficiently large that very strong contradictory evidence is necessary to substantially change these recidivism estimates. Other studies have found similar results. Hanson and Bussière's (1998) quantitative review of recidivism studies found an average recidivism rate of 13.4% after a follow-up period of 4-5 years ($n = 23,393$). In a recent U.S. study of 9,691 sex offenders, the sexual recidivism rate was only 5.3% after three years (Langan, Schmitt, & Durose, 2003).

Not all sexual offenders, however, were equally likely to reoffend. By using simple, easily observed characteristics, it was possible to differentiate between offenders whose five year recidivism rate was 5%, from those whose recidivism rate was 25%. The factors associated with increased risk were the following: a) male victims, b) prior sexual offences, and c) young age.

Although the number of recidivists increases with extended follow-up, the rate of offending decreases the longer offenders have been offence-free. The five year recidivism rate for new releases of 14% decreased to 4% for individuals who have been offence-free for 15 years. The observed rates underestimate the actual rates because not all sexual offences are detected; nevertheless, the current findings contrast with the popular notion that all sexual offender remain at risk throughout their lifespan.

The observed recidivism rates in the current study are slightly lower than the lifetime sexual recidivism rates estimated by Doren (1998) - 52% for child molesters and 39% for rapists. Doren's estimates were largely based on long-term follow-up of highly selected samples (Hanson et al., 1995; Prentky, et al., 1977); in contrast, the current study used larger and more diverse samples, including many low risk offenders serving community sentences. Doren's (1998) estimates were also based on charges, whereas most of the recidivism data in the current study was based on convictions.

Another difference is that Doren (1998) attempted to generate life-time estimates whereas our estimates extend only to 15 years. We were unable to locate any study that followed a large sample of sexual offenders until they were dead. Very long-term studies are difficult because records go missing, particularly for individuals who have had no recent involvement with the law (Hanson & Nicholaichuk, 2000). Nevertheless, the decreasing rate of offending with age suggests that the rates observed after 15 to 20 years are likely to approximate the rates that would be observed if offenders were followed for the rest of their lives.

When people ask questions about sexual offender recidivism rates, there often is an inherent assumption that the answer is a fixed, knowable rate that will not change. This supposition is unlikely to be true. The rate of sexual re-offence is quite likely to change over time due to social factors and the effectiveness of strategies for managing this population. Most of the offenders in the current study did not receive effective treatment, whereas treatment is currently provided to almost all of the high risk sexual offenders in Canada. Research has found that contemporary cognitive-behavioural treatment is associated with reductions in sexual recidivism rates from 17% to 10% after approximately 5 years of follow-up (Hanson et al., 2002). Furthermore, increased public awareness and concern should reduce the opportunities for sexual offenders to locate potential victims.

Policy implications

Although no finding is ever definitive, the basic findings of the current study are sufficiently reliable to have implications for criminal justice policy. Given that the level of sexual recidivism is lower than commonly believed, discussions of the risk posed by sexual offenders should clearly differentiate between the high public concern about these offences and the relatively low probability of sexual re-offence.

The variation in recidivism rates suggests that not all sex offenders should be treated the same. Within the correctional literature it is well known that the most effective use of correctional resources targets truly high-risk offenders and applies lower levels of resources to lower risk offenders (Andrews & Bonta, 2003). The greater the assessed risk, the higher the levels of intervention and supervision; the lower the assessed risk, the lower the levels of intervention and supervision. Research has even suggested that offenders may actually be made worse by the imposition of higher levels of treatment and supervision than is warranted given their risk level (Andrews & Bonta, 2003). Consequently, blanket policies that treat all sexual offenders as "high risk" waste resources by over-supervising lower risk offenders and risk diverting resources from the truly high-risk offenders who could benefit from increased supervision and human service.

Although the broad risk markers in the current study are useful for estimating recidivism risk, it is possible to improve predictive accuracy by combining such factors into structured risk scales (e.g., Hanson, 1997). The evidence supporting the validity of these risk scales is now sufficient that they should be routinely included in applied risk assessments with sexual offenders (Barbaree, Seto, Langton, Peacock, 2001; Sjöstedt, & Långström, 2001; and reviews by Doren, 2002; Hanson, Morton & Harris, 2003).

Rather than considering all sexual offenders as continuous, lifelong threats, society will be better served when legislation and policies consider the cost/benefit break point after which resources spent tracking and supervising low-risk sexual offenders are better re-directed toward the management of high-risk sexual offenders, crime prevention, and victim services.

Author Note

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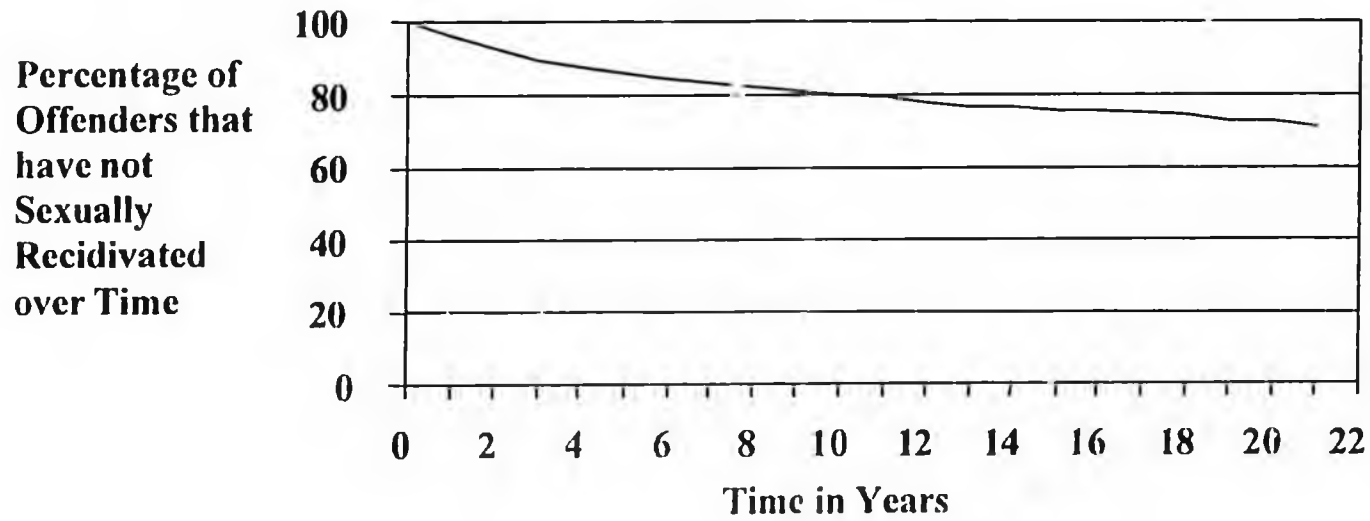
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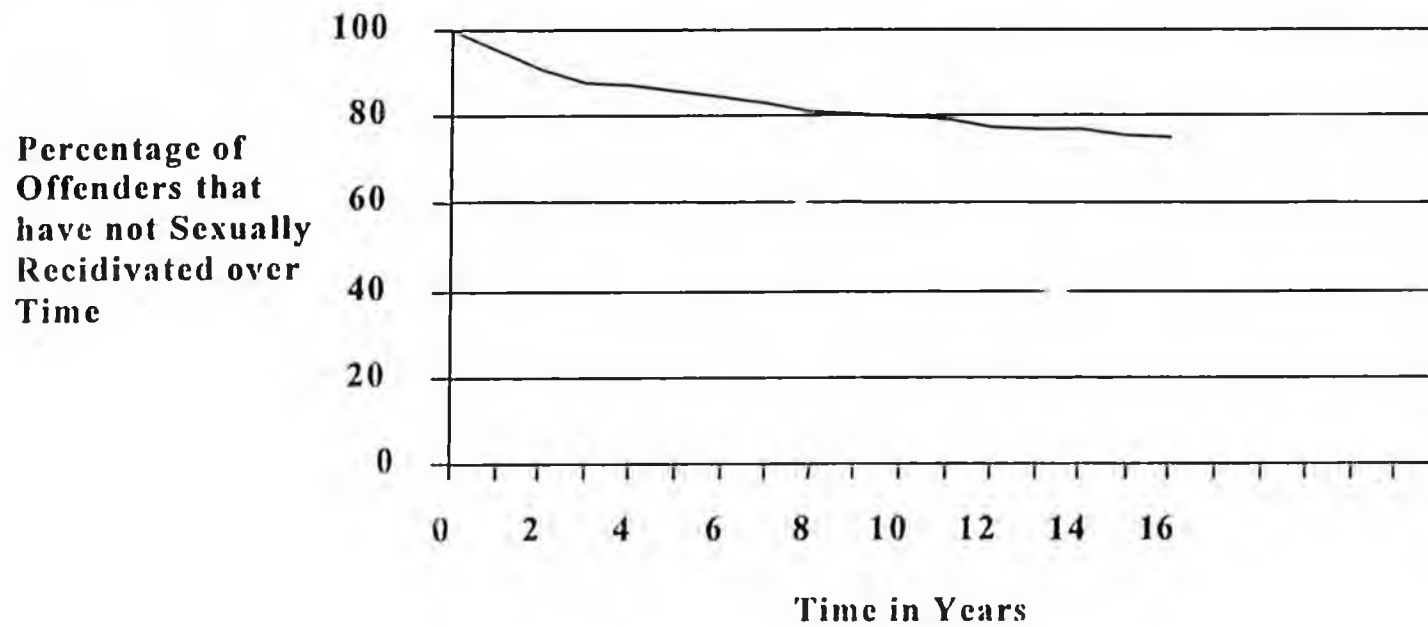
Appendix I : Figure 1

Sexual Recidivism in a Sample of Mixed Sexual Offenders (N = 4,724) Over a Twenty Year Period



Appendix I : Figure 2

**Sexual Recidivism in a Sample of Rapists (N = 1,038)
Over a Fifteen Year Period**



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SEXUAL OFFENDER RECIDIVISM: WHAT IS TRUE AND WHAT IS NOT?

It is widely believed that a person convicted of a sex offense ("a sex-offender") is very likely to commit another sexual offense, and should be viewed as a threat to public safety.

This belief is simply untrue.

The truth is that most sexual offenders never commit another sexual offense after they are released from jail. This has been established by scientific study, over and over. It has been proved right here in Alaska, by our own experts,¹ and world-wide, as well.²

75% of the men convicted of a sexual crime will never be convicted of another sexual crime. That's what the data shows.

One of the most prominent researchers to study the question of sexual offender recidivism, Dr. R. Karl Hanson, has published on this subject for the past 20 years, and is widely viewed as one of the world's leading experts on the subject. Dr. Hanson has been consulted, in fact, by the Alaska Department of Corrections itself.

Dr. Hanson, with his colleague Dr. Andrew Harris, recently published a major study of sex offender recidivism, which involved **follow-up studies of more than 4700 men** who had been released from prison after serving time for a sexual offense.³

This study established that most sexual offenders do not commit another sexual offense. Three out of four persons who are released from jail after conviction for a sexual offense will not have been charged with any further such offense even after the passage of 15 years.⁴

The truth is that sex offenders are very unlikely to commit another crime. They are much less likely to commit another crime than any other group of criminals. This has been proved in many places, including in Alaska.

It is also important to recognize that some sex offenders are even less likely to recidivate than are others. For example, first-time sexual offenders are significantly less likely to commit any other sexual offense than are offenders with a previous sexual conviction. **80% of first-time sex offenders who are released from prison never commit another sexual offense.**⁵

In addition, the longer an offender remains in the community without committing a subsequent offense, the smaller the chance of recidivism is. The greatest risk of

recidivism is in the first two years following release.⁶

Factors associated with increased risk for recidivism include 1) male victims, 2) prior sexual offenses, and 3) age under 50 years.⁷

Incest offenders who molest girls recidivate at a significantly lower rate than offenders who target victims outside the family. **Of this group, 85% of those released from prison will not commit another sexual offense within the following 15 years.**⁸ Incest offenders who target boys have a higher recidivism rate.⁹

The highest recidivism rates for sexual offenses are for offenders who have more than one sexual conviction. Notably, however, even offenders in this group are not likely to commit another sexual offense. **Over a period of 15 years, 63% of men with more than one conviction for a sexual offense will NOT commit another sexual offense.**¹⁰

Conclusion: Most of the people who commit a sex offense will never commit another sexual crime. The popular belief that sex offenders are the most dangerous class of criminals is not true. While there are sex offenders who have had many victims, the number of these people in the class as a whole is very small.

¹ See Mander, Anthony M., Atrops, Martin E., Barnes, Allan R., and Munafò, Roseanne (1996). Sex Offender Treatment Program: Initial recidivism study. This study is available "Sex Offender Recidivism Study" done by the Alaska Department of Corrections, and available through DOC and the UAA Justice Center. Among other things, this study showed that sex offenders as a group are less likely to commit another crime than any other class of criminal.

² For national statistics, see Becker, J. and Murphy, W., "What We Know and Don't Know about Assessing and Treating Sex Offenders," *Psychology, Public Policy and Law* 4 (1998).

³ Harris, Andrew J.R. and Hanson, R. Karl (2004). Sex Offender Recidivism: A Simple Question 2004-03. Published by the Solicitor General of Canada, Minister of Public Safety and Emergency Preparedness. I encourage every legislator to review this study. It is available on the Internet at no charge at the following address:

http://ww2.psepc-sppcc.gc.ca/publications/corrections/pdf/200403-2_e.pdf

⁴ Hanson & Harris (2004). In another recent study of 9,691 sex offenders, the sexual recidivism rate was only 5.3% after three years. Langan, P.A., Schmitt, E. L., & Durose, M. R. (2003). Recidivism of sex offenders released from prison in 1994. Bureau of Justice Statistics NCI 198281. Washington, DC: U.S. Department of Justice. This report is available on the internet at <http://www.ojp.usdoj.gov/bjs/abstract/rpr94.htm>.

⁵ Hanson & Harris (2004), page 7.

⁶ Hanson & Harris (2004).

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- 7 Hanson & Harris (2004), page 11.
 - 8 Hanson & Harris (2004), page 11.
 - 9 Hanson & Bussiere (1998).
 - 10 Hanson and Harris (2004) , page 8.

MYTHS AND FACTS ABOUT "SEX OFFENDERS":
An Initial Response to Senate Bill 218

MYTH: *Sex offenders have a high rate of recidivism and most sex offenders are likely to reoffend.*

FACT: Studies have repeatedly shown that sex offenders have a low rate of recidivism (generally estimated at 5-25%), much lower than the general criminal population. More importantly, studies have shown that recidivist rates vary greatly among the different types of sex offenders and are directly related to specific characteristics of the offender and the offense. First time offenders have consistently been shown to be low-risk.

Sources: "Sex Offender Sentencing: Sentencing Guidelines Commission, 2004," State of Washington Sentencing Commission in response to proposed legislation involving Special Sex Offender Sentencing Alternative (SSOSA) See: <http://www.sgc.wa.gov/PUBS/SSOSARreport.pdf>; "Assessing Risk Among Sex Offenders In Virginia," Virginia Criminal Sentencing Commission, reported January 2001. See: http://www.vcsc.state.va.us/sex_off_report.pdf; Andrew JR Harris and R. Karl Hanson., "Public Safety and Emergency Preparedness Canada. Sex Offender. Recidivism: A Simple Question. 2004-03." http://www2.psepc-sppecc.gc.ca/publications/corrections/pdf/200403-2_e.pdf; United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *including statistics showing that the number of substantiated cases of sexual abuse of children declined 40% from 1992 to 2000. Victim-reported sex offenses involving children declined by 56%.*

MYTH: *All sex crimes represent criminal behavior that is grossly deviant and highly dangerous to society*

FACT: Just as the term "sex offender" should not be used as though all persons convicted of sex offenses are the same and equally dangerous, so too should the differences between what qualifies as a "sex offense" be recognized. Under Alaska law, Sexual Assault 2 includes conduct such as fully consensual statutory rape (which can and does include the nineteen year old boyfriend having sex with his fifteen year old girlfriend) and groping (that is, a drunken man touching a woman's breast over her clothing). Currently, a first time offender of Sexual Assault 2 (a person with no prior felony convictions) faces a presumptive term of 2 to 4 years with a maximum of 20 years. Senate Bill 218 seeks to change that to a presumptive term of 16 to 21 years with a maximum of 99 years.

See A.S. 11.41.410-470, defining various levels and culpabilities for the degrees of sexual assault and sexual abuse.

MYTH: *The number of dangerous sex offenders is on the rise.*

FACT: Despite the publicity surrounding certain high profile cases, the rate of sexual assault and child sexual abuse has actually significantly dropped in the last decade. Indeed, a recent study has shown that the rate of sexual assaults per every 1,000 children fell 79% nationwide from 1993 to 2003.

Sources: Analysis by Crimes Against Children Research Center, University of New Hampshire, of data from National Crime Victimization Survey (available at http://www.usatoday.com/news/nation/2005-08-24-sex-crimes-cover_1.htm?POE=NLWISVA); Department of Justice Center for Sex Offender Management Statistics (available at <http://www.csom.org/pubs/mythsfacts.html>)

MYTH: *There are no wrongfully convicted sex offenders in our system*

FACT: There are almost certainly wrongfully convicted sex offenders in our system. Recent DNA exonerations have demonstrated how faulty eye-witness identification can be especially in sex assault cases and non-DNA exonerations involving multiple child victims have shown how frighteningly easy it can sometimes be for young children to falsely accuse someone.

Sources: Samuel Gross et al, *Exonerations in the United States from 1993 to 2003* (available at <http://www.mindfully.org/Reform/2004/Prison-Exonerations-Gross19apr04.htm>); http://en.wikipedia.org/wiki/False_memory (discussing exonerations involving children's false memories of abuse; See also Rob Warden, *The Rape That Wasn't: The First DNA Exoneration in Illinois*, available at <http://www.law.northwestern.edu/depts/clinic/wrongful/exonerations/Dotson.htm>, (discussing how the first DNA exoneration was a case involving a fabricated accusation of rape against Gary Dotson).

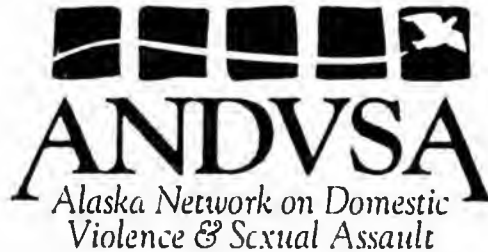
Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Unclassified (SA 1, SAM 1)	Pre-2003	8	10	15	15	25	25	30
	2003	8	10	15	20*	25	30*	40
	2005	8-12	12-16	15-20	20-30*	25-35	30-40*	99
	SB 218	24	26-30	30-35	35-40*	40-45	99*	99
Class A Felony Sex Offense (Att. SA1, Att. SAM 1)	Pre-2003	5	5	10	10	15	15	20
	2003	5	10	10	15*	15	20*	30
	2005	5-8	10-14	12-16	15-20*	15-25	20-30*	30
	SB 218	18-23	23-26	26-29	29-32*	32-35	99*	99
Class B Felony Sex Offense (SA 2, SAM 2, etc)	Pre-2003	0	0	4	4	6	6	10
	2003	0	0	5	10*	10	15*	20
	2005	2-4	2-4	5-8	10-14*	10-14	15-20*	20
	SB 218	16-21	16-21	21-24	24-27*	27-30	99*	99
Class C Felony Sex Offense (SA 3, SAM 3, Att. SA 2, Att. SAM 2)	Pre-2003	0	0	2	2	3	3	5
	2003	0	0	2	3*	3	6*	10
	2005	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB 218	10-15	10-15	15-18	18-21*	21-24	99*	99

*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).

Juneau Office
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Fax: (907) 463-4493
www.andvsa.org



Sitka Office
PO Box 6631
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 SPIII Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

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: 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 man 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: 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

What are the most popular cars? Find out at Yahoo! Autos

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)

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/9/06

FURTHER: Finance

Date of 5-Day Notice: 1/12/06
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 1/24/06

Judiciary Committee considered SENATE BILL NO. 218

SB 218 CRIMINAL SENTENCING AND POLYGRAPHS

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

and recommends:

- be replaced with _____ CS SB 218 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
<input type="checkbox"/> Same Title
<input checked="" type="checkbox"/> New Title
SCS House Bill:
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	1/18/06			✓	1
ADM	1/18/06		✓		2
ADM	1/17/06		✓		3
LAW	1/18/06		✓		4

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		Do PASS	Do NOT PASS	NO REC	AMEND
French				X	
Guess		✓			
Therriault					✓
Huggins					✓
Seekins	CHAIR:			X	