

HB

88

SENATE COMMITTEE REPORT

DATE: 4/11/05

FURTHER: Finance

DATE TYPED _____
IN TO OFFICE: _____

Judiciary Committee considered CS FOR HOUSE BILL NO. 88(RLS)

HB 88 CRIM LAW:MINORS, SCHOOLS, DRUGS, SENTENCES

"An Act relating to certain weapons offenses involving minors; relating to the definition of 'recreation or youth center' for purposes of misconduct involving a controlled substance; to aggravating factors in sentencing for certain offenses committed on school grounds, on a school bus, at a school-sponsored event, or in administrative offices of a school district; to mitigating factors in sentencing for a defendant's assistance to authorities to detect, apprehend or prosecute other persons who committed an offense; and providing for an effective date."

and recommends:

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

CS Senate Bill:
 Same Title
 New Title

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

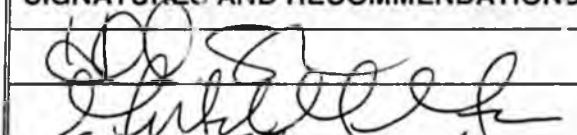
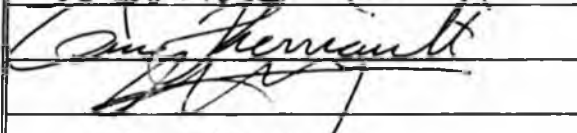
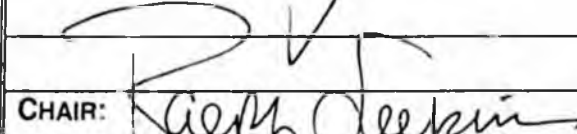

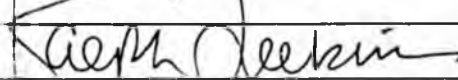
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
			✗	
	✗			
	✗			
CHAIR: 	✓			

24-GH1096S
Luckhaupt
4/22/05

**SENATE CS FOR CS FOR HOUSE BILL NO. 88(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain weapons offenses involving minors; relating to the definition
2 of 'recreation or youth center' for purposes of misconduct involving a controlled
3 substance; to aggravating factors in sentencing for certain offenses committed on school
4 grounds, on a school bus, at a school-sponsored event, or in administrative offices of a
5 school district; to mitigating factors in sentencing for a defendant's assistance to
6 authorities to detect, apprehend, or prosecute other persons who committed an offense;
7 and providing for an effective date."

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 * Section 1. AS 11.71.900(20) is amended to read:

10 (20) "recreation or youth center" means a building, structure, athletic
11 playing field, or playground

12 (A) run or created by a municipality or the state to provide
13 athletic, recreational, or leisure activities for minors; or

1 (2) of arson in the first degree; [OR]

2 (3) that is a class B felony and the felony is a crime against a person in
3 which the minor is alleged to have used a deadly weapon in the commission of the
4 offense and the minor was previously adjudicated as a delinquent or convicted as an
5 adult, in this or another jurisdiction, as a result of an offense that involved use of a
6 deadly weapon in the commission of a crime against a person or an offense in another
7 jurisdiction having elements substantially identical to those of a crime against a
8 person, and the previous offense was punishable as a felony; in this paragraph, "deadly
9 weapon" has the meaning given in AS 11.81.900(b); or

10 (4) that is misconduct involving weapons in the first degree under

11 (A) AS 11.61.190(a)(1); or

12 (B) AS 11.61.190(a)(2) when the firearm was discharged
13 under circumstances manifesting substantia¹ and unjustifiable risk of
14 physical injury to a person.

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

17 APPLICABILITY. Sections 1 - 4 of this Act apply to acts committed on or after the
18 effective date of this Act.

19 * Sec. 6. This Act takes effect July 1, 2005.



HB 88

FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 18, 2005

4600 4187
7-2089

The Honorable John Harris
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Harris.

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill, the School Violence Prevention Act of 2005, that addresses certain weapons violations by children and assault and other crimes by adults in schools. Violence by students and adults in schools is simply unacceptable.

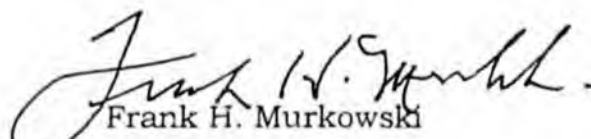
This bill would provide that minors who are 16 or 17 years old and commit certain felony misconduct involving weapons are automatically waived to adult court. This will deter such potentially lethal activity with a weapon by holding these minors accountable to the same legal consequences adults face for this conduct. When minors engage in a dispute and weapons are brought into the situation, the negative effects are magnified for all involved.

This bill also addresses violence by adults at school. It would adopt an aggravating factor in sentencing for those convicted of a crime against a person, such as assault, on a school employee on school grounds or at a school-sponsored event.

The enactment of this legislation will send the message that Alaskans will not tolerate violence in our schools, either by minors or adults. All children and teachers in this state should have a safe environment in which to work and learn.

I urge your prompt and favorable action on this measure.

Sincerely yours,


Frank H. Murkowski
Governor

Enclosure

CS FOR HOUSE BILL NO. 88(RLS)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE RULES COMMITTEE

**Offered: 4/1/05
Referred: Rules**

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SB 65
Feb 9th
Fin.

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain weapons offenses involving minors; relating to the definition
2 of 'recreation or youth center' for purposes of misconduct involving a controlled
3 substance; to aggravating factors in sentencing for certain offenses committed on school
4 grounds, on a school bus, at a school-sponsored event, or in administrative offices of a
5 school district; to mitigating factors in sentencing for a defendant's assistance to
6 authorities to detect, apprehend, or prosecute other persons who committed an offense;
7 and providing for an effective date."

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
10 to read:

11 **SHORT TITLE.** Sections 1, 3, and 5 of this Act may be known as the School
12 Violence Prevention Act of 200^c

13 * **Sec. 2.** AS 11.71.900(20) is amended to read:

1 (20) "recreation or youth center" means a building, structure, athletic
2 playing field, or playground

3 (A) run or created by a municipality or the state to provide
4 athletic, recreational, or leisure activities for minors; or

5 (B) operated by a public or private organization licensed to
6 provide shelter, training, or guidance for minors.

7 * Sec. 3. AS 12.55.155(c) is amended by adding a new paragraph to read:

8 (31) the offense is a violation of AS 11.41 or AS 11.46.400 and the
9 defendant directed the conduct constituting the offense against a person while the
10 person was on school grounds, on a school bus, at a school-sponsored event, or in the
11 administrative offices of a school district; in this paragraph,

12 (A) "school bus" has the meaning given in AS 11.71.900;

13 (B) "school district" has the meaning given in AS 47.07.063;

14 (C) "school grounds" has the meaning given in AS 11.71.900.

15 * Sec. 4. AS 12.55.155(d)(12) is amended to read:

16 (12) after commission of the offense for which the defendant is
17 being sentenced, the defendant assisted authorities to detect, apprehend, or prosecute
18 other persons who committed an offense;.

19 * Sec. 5. AS 47.12.030(a) is amended to read:

20 (a) When a minor who was at least 16 years of age at the time of the offense is
21 charged by complaint, information, or indictment with an offense specified in this
22 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense
23 for which the minor is charged or to any additional offenses joinable to it under the
24 applicable rules of court governing criminal procedure. The minor shall be charged,
25 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as
26 an adult. If the minor is convicted of an offense other than an offense specified in this
27 subsection, the minor may attempt to prove, by a preponderance of the evidence, that
28 the minor is amenable to treatment under this chapter. If the court finds that the minor
29 is amenable to treatment under this chapter, the minor shall be treated as though the
30 charges had been heard under this chapter, and the court shall order disposition of the
31 charges of which the minor is convicted under AS 47.12.120(b). The provisions of

Handwritten scribble with numbers 8, 9, 10.

Handwritten scribble with "AS 11.46.400" and "3".

1 this subsection apply when the minor is charged by complaint, information, or
 2 indictment with an offense

3 (1) that is an unclassified felony or a class A felony and the felony is a
 4 crime against a person;

5 (2) of arson in the first degree; [OR]

6 (3) that is a class B felony and the felony is a crime against a person in
 7 which the minor is alleged to have used a deadly weapon in the commission of the
 8 offense and the minor was previously adjudicated as a delinquent or convicted as an
 9 adult, in this or another jurisdiction, as a result of an offense that involved use of a
 10 deadly weapon in the commission of a crime against a person or an offense in another
 11 jurisdiction having elements substantially identical to those of a crime against a
 12 person, and the previous offense was punishable as a felony; in this paragraph, "deadly
 13 weapon" has the meaning given in AS 11.81.900(b); or

14 (4) that is misconduct involving weapons in the first degree under

15 (A) AS 11.61.190(a)(1); or

16 (B) AS 11.61.190(a)(2) when the firearm was discharged
 17 under circumstances manifesting substantial and unjustifiable risk of
 18 physical injury to a person.

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

21 APPLICABILITY. Sections 2 - 5 of this Act apply to acts committed on or after the
 22 effective date of this Act.

23 * Sec. 7. This Act takes effect July 1, 2005.

FISCAL NOTE

**STATE OF ALASKA
2005 LEGISLATIVE SESSION**

Fiscal Note Number: 1
 Bill Version: HB 88
 (H) Publish Date: 1/19/05
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title WEAPONS OFFENSES INVOLVING MINORS
AND OFFENSES AGAINST SCHOOL
EMPLOYEES RDU Juvenile Justice
 Component Probation Services

Sponsor (RLS) BY REQUEST OF THE
GOVERNOR

Requester GOVERNOR Component No. 2134

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (0)						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This proposed legislation will not have a significant impact on workloads of the Division of Juvenile Justice staff. Therefore, this zero fiscal note is entered to reflect negligible fiscal impact.

Prepared by: Patty Ware Phone 465-2112
 Division: Juvenile Justice Date/Time: _____
 Approved by: Joel S. Gilbertson, Commissioner Date 01/06/2005
 Agency: Department of Health and Social Services

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 88
 (H) Publish Date: 1/19/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to penalties for certain weapons offenses involving minors; to delinquent minors..." RDU CRIMINAL
 Component CDCO
 Sponsor _____
 Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill seeks to address the issue of school violence by adopting an aggravating factor in sentencing a person convicted of felony assault directed at a school employee. The bill would deter minors 16 years and older from committing felony offenses involving misconduct with weapons in the first and second degrees by holding them accountable to the same legal consequences as adults. Passage of this legislation will not have a foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone 465-5427
 Division Administrative Services Date/Time 1/18/05 3:14 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 1/18/2005
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 88(FIN)
(H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Health I Social Ser.
Title Relating to penalties for certain RDU Juvenile Justice
weapons offenses involving minors... Component Probation Services
Sponsor Governor
Requester HFC Component No. 2134

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The legislation may or may not result in increased costs to the department.

Prepared by: House Finance Committee Phone 465-4945
Division _____ Date/Time 3/21/05 3:48 PM
Approved by: Rep. Meyer, Co-Chair House Finance Committee Date 3/21/2005
Agency Rep. Chenault, Co-Chair House Finance Committee

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 88(FIN)
 (H) Publish Date: 3/22/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title Relating to penalties for certain RDU CRIMINAL
weapons offenses involving minors... Component CDCO
 Sponsor Governor _____ Component No. _____
 Requester HFC _____

Expenditures/Revenues (Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The legislation may or may not result in increased costs to the department.

Prepared by: House Finance Committee Phone 465-4945
 Division _____ Date/Time 3/21/05 3:49 PM
 Approved by: Rep. Meyer, Co-Chair House Finance Committee Date 3/21/2005
 Agency Rep. Chenault, Co-Chair House Finance Committee

Bill History/Action Display



BILL: SB 65

SHORT TITLE: OFFENSES BY MINORS/AGAINST TEACHERS

BILL VERSION:

CURRENT STATUS: (S) FIN

STATUS DATE: 02/09/05

SPONSOR(s): RLS B" REQUEST OF THE GOVERNOR

TITLE: "An Act relating to certain weapons offenses involving minors; to aggravating factors in sentencing for certain offenses committed against a school employee; and providing for an effective date."

Bill Root: [Display Bill Root](#) [Next Bill](#)

[Full Text](#) [Fiscal Notes](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
01/19/05	0089	(S) READ THE FIRST TIME - REFERRALS
01/19/05	0089	(S) JUD, FIN
01/19/05	0089	(S) FN1: ZERO (LAW)
01/19/05	0089	(S) FN2: ZERO (HSS)
01/19/05	0090	(S) GOVERNOR'S TRANSMITTAL LETTER
02/09/05	0253	(S) JUD RPT CS 3DP 1NR NEW TITLE
02/09/05	0253	(S) DP: SEEKINS, FRFNCH, HUGGINS
02/09/05	0253	(S) NR: THERRIAULT
02/09/05	0253	(S) FN1: ZERO (LAW)
02/09/05	0253	(S) FN2: ZERO (HSS)
02/09/05	0253	(S) REFERRED TO FINANCE

Similar Subject Match or Exact Subject Match

- CRIMES
- CRIMINAL PROCEDURE
- EDUCATION
- MINORS
- SENTENCING
- TEACHERS
- WEAPONS

Bill Root: [Display Bill Root](#) [Next Bill](#)

[To Report Problems with Basis Inquiry](#)

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CS FOR SENATE BILL NO. 65(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/9/05

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certain weapons offenses involving minors; relating to aggravating
2 factors in sentencing for certain offenses committed on school grounds, on a school bus,
3 at a school-sponsored event, or in the administrative offices of a school district; and
4 providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA**

6 * **Section 1.** AS 12.55.155(c) is amended by adding a new paragraph to read:

7 (31) the offense is a violation of AS 11.41 and the offense occurred on
8 school grounds, on a school bus, at a school-sponsored event, or in the administrative
9 offices of a school district if students are educated at that office, in this paragraph,

10 (A) "school bus" has the meaning given in AS 11.71.900;

11 (B) "school district" has the meaning given in AS 47.07.063;

12 (C) "school grounds" has the meaning given in AS 11.71.900.

13 * **Sec. 2.** AS 47.12.030(a) is amended to read:

14 (a) When a minor who was at least 16 years of age at the time of the offense is

OR AS 11.46.410

1 charged by complaint, information, or indictment with an offense specified in this
 2 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense
 3 for which the minor is charged or to any additional offenses joinable to it under the
 4 applicable rules of court governing criminal procedure. The minor shall be charged,
 5 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as
 6 an adult. If the minor is convicted of an offense other than an offense specified in this
 7 subsection, the minor may attempt to prove, by a preponderance of the evidence, that
 8 the minor is amenable to treatment under this chapter. If the court finds that the minor
 9 is amenable to treatment under this chapter, the minor shall be treated as though the
 10 charges had been heard under this chapter, and the court shall order disposition of the
 11 charges of which the minor is convicted under AS 47.12.120(b). The provisions of this
 12 subsection apply when the minor is charged by complaint, information, or indictment
 13 with an offense

14 (1) that is an unclassified felony or a class A felony and the felony is a
 15 crime against a person;

16 (2) of arson in the first degree; [OR]

17 (3) that is a class B felony and the felony is a crime against a person in
 18 which the minor is alleged to have used a deadly weapon in the commission of the
 19 offense and the minor was previously adjudicated as a delinquent or convicted as an
 20 adult, in this or another jurisdiction, as a result of an offense that involved use of a
 21 deadly weapon in the commission of a crime against a person or an offense in another
 22 jurisdiction having elements substantially identical to those of a crime against a
 23 person, and the previous offense was punishable as a felony; in this paragraph, "deadly
 24 weapon" has the meaning given in AS 11.81.900(b); or

25 (4) that is misconduct involving weapons in the first or second
 26 degree in violation of AS 11.61.190 or 11.61.195.

27 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
 28 read:

29 APPLICABILITY. Sections 1 and 2 of this Act apply to acts committed on or after
 30 the effective date of this Act.

31 * Sec. 4. This Act takes effect July 1, 2005.