

HB

91/

SB

159

SENATE COMMITTEE REPORT

DATE: 4/14/05

FURTHER: Finance

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered HOUSE BILL NO. 91 am

HB 91 'INDECENT EXPOSURE TO MINORS

"An Act relating to indecent exposure."

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 # _____

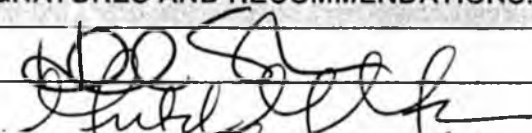
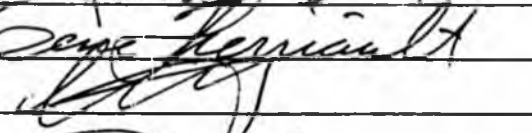
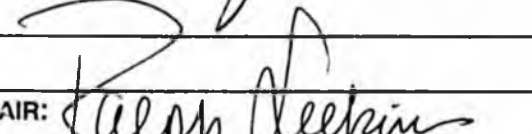
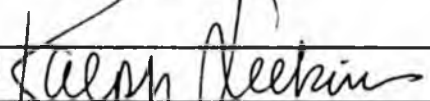
NEW FISCAL NOTE(S):

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
	X			
	X			
	X			
CHAIR: 	✓			

ALASKA STATE HOUSE OF REPRESENTATIVES

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

REPRESENTATIVE JOHN COGHILL

SPONSOR STATEMENT

HB 91 - Indecent Exposure Within Sight of Persons Under Sixteen

Several young girls in Delta Junction were subjected to a man exposing himself to them in the parking lot of a local store last summer. He was apprehended and arrested. In a background check it was reported that he had a prior conviction of a similar incident in Arizona. When arrested in the Arizona case, police report stated he matched the description of a man reported for the same activity several times but they could never catch him.

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

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

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 91
 (H) Publish Date: 3/24/05

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

Expenditures/Revenues (Thousands of Dollars)

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

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

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

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

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

POSITIONS

Full-time						
Part-time						
Temporary						

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

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

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 91
 (H) Publish Date: 3/24/05

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Indecent Exposure to Minors BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Coghill
 Requester _____ Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

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

The court system does not anticipate any fiscal impact from the passage of HB 91.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
 Division: Alaska Court System Date/Time 3/17/05 3:05 PM
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/17/2005
 Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: HB 91
 (H) Publish Date: 3/24/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to indecent exposure." RDU CRIMINAL
 Component Criminal Justice Litigation
 Sponsor Representative Coghill
 Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
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 amends AS 11.41.458(a) (Offenses Against the Person - Indecent exposure in the first degree) by including in the list of offenses that constitute indecent exposure in the first degree, an offense of indecent exposure in the second degree when the offender has a previous conviction of indecent exposure in the second degree.

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

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

ALASKA PEACE OFFICERS ASSOCIATION

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

February 11, 2005

Representative John Coghill
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Coghill:

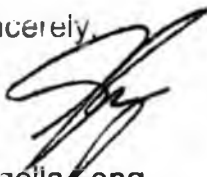
On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 91, relating to indecent exposure.

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

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

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

Sincerely,



Angella Long
State President

Business Manager

Joseph Young
Anchorage

Board of Directors

Angela Long, President
Wasilla

John Lucking, Vice President
Soldotna

Leo Brandleri, Past President
Anchorage

Kim Wannamaker, Member
Kenai
Pres. Kenai Chapter

Dan Ferich, Member
Anchorage
Pres. Anchorage Chapter

Angela Calkin, Member
Juneau
Pres. Mat-Su Chapter

Warren Tanner, Member
Fairbanks
Pres. Farthest North Chapter

Troy Wilson, Member
Juneau
Pres. Capital City Chapter

John Jepson, Member
Ketchikan
Pres. First City Chapter

Lisa Shield, Member
Unalaska
Pres. Aleutian Islands Chapter

Thecia LaLonde, Member
Wrangell
Pres. Wrangell Chapter

ALASKA STATE LEGISLATURE

SENATOR

Gene Therriault

119 N. Cushman Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
FAX (907) 488-4271



Senate
Senate District F

While in Juneau

State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
FAX (907) 465-3884

SB 159 Sponsor Statement

It was brought to my attention that there was is no increase in penalties for those persons who repeatedly violate AS 11.41 15 (a) by exposing themselves to children.

This bill will increase the penalty from a misdemeanor, to a felony, when such a serious offense is repeated.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 159
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Indecent Exposure to Minors BRU Alaska Court System
 Component Trial Courts
 Sponsor Senator Theriault
 Requester _____ Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

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

The court system does not anticipate any fiscal impact from the passage of SB 159.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 4/11/05 1:24 PM
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 4/11/2005
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB158-DPS-ASTD-4-11-05
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title "An Act relating to indecent exposure." RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Senator Therriault
 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 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)

Passage of this bill will have no fiscal impact on the Department of Public Safety.

This bill amends the crime of indecent exposure in the first degree. This bill specifies in part, that an offender who has been previously convicted for this offense or indecent exposure in the second degree or another law or ordinance of this jurisdiction or another jurisdiction with a similar crime, has committed the crime of indecent exposure in the first degree.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223
 Division: Alaska State Troopers Date/Time 4/11/05 1:49 PM
 Approved by: Commissioner William Tandeske Date 4/11/2005
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 159
 (j) Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to indecent exposure RDU Legal and Advocacy Services
 Component Office of Public Advocacy
 Sponsor Sen. Theriault
 Requester Senate Judiciary Component No. 43

Expenditures, Revenues (Thousands of Dollars)

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

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

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

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

Estimate of any current year (FY2005) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

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

Prepared by: Joshua P. Fink, Director Phone (907) 269-3500
 Division Office of Public Advocacy Date/Time 4/12/05 9:36 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 4/12/2005
 Agency Department of Administration