

SB

249

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/23/06

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered SENATE BILL NO. 249

SB 249 REPORTING BAIL AND RELEASE INFORMATION

"An Act relating to criminal justice information."

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:
<input type="checkbox"/> Same Title
<input 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#

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			
	X			
CHAIR:	✓			

24-LS1490G
Luckhaupt
2/15/06

CS FOR SENATE BILL NO. 249()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR FRENCH

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to criminal justice information."**

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

3 *** Section 1. AS 12.62.120(b) is amended to read:**

4 (b) An agency designated under (a) of this section shall report the following
5 events to the department if they occur in connection with an arrestable offense:

6 (1) the issuance, receipt, withdrawal, quashing, or execution of a
7 judicial arrest warrant, a governor's warrant of arrest for extradition, or a parole arrest
8 warrant;

9 (2) an arrest, with or without a warrant, or an escape after arrest;

10 (3) the release of a person after arrest without charges being filed;

11 (4) the admittance to, release or escape from, or unlawful evasion of,
12 official detention in a correctional facility, either pretrial or post-trial;

13 (5) a decision by a prosecutor or a grand jury not to commence
14 criminal proceedings, to defer or indefinitely postpone prosecution, or to decline to
15 prosecute charges;

1 (6) the filing of a charging document, including an indictment,
2 criminal complaint, criminal information, or a petition or other document showing a
3 violation of bail, probation, or parole, or the amendment of a charging document;

4 (7) an acquittal, dismissal, conviction, or other disposition of charges
5 set out in a charging document described in (6) of this subsection;

6 (8) the imposition of a sentence or the granting of a suspended
7 imposition of sentence under AS 12.55.085;

8 (9) the commencement or expiration of parole or probation supervision
9 and the conditions of that parole or probation supervision;

10 (10) the commitment to or release from a facility, designated by the
11 Department of Health and Social Services, of a person who was previously accused of
12 a crime but who has been found to be incompetent to stand trial or found not
13 criminally responsible;

14 (11) the filing of an action in an appellate court or a federal court
15 relating to a conviction or sentence;

16 (12) a judgment of a court that reverses, remands, vacates, or reinstates
17 a criminal charge, conviction, or sentence;

18 (13) a pardon, reprieve, executive clemency, commutation of sentence,
19 or other change in the length or terms of a sentence by executive or judicial action;

20 [AND]

21 (14) the release of a person on bail and the conditions of that
22 release; and

23 (15) any other event required to be reported under regulations adopted
24 under this chapter.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 249
 () Publish Date: _____

Revision Date/Time (Note if correction): 3/2/06/ 9:45 a.m. Dept. Affected: Administration
 Title An Act relating to criminal justice information RDU Legal and Advocacy Services
 Component Public Defender Agency
 Sponsor Sen. French
 Requester (S) JUD Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill adds new information to the list of information that must be reported by certain agencies. It is not expected to have a fiscal impact of the operations of the Agency.

Prepared by: Quinlan Steiner, Director Phone (907) 334-4414
 Division: Public Defender Agency Date/Time 3/2/06 9:45 a.m.
 Approved by: Mike Tibbles, Deputy Commissioner Date 3/2/2006
 Agency: Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB249(JUD)-Courts-3-2-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title An Act Relating to Criminal Justice Information RDU Alaska Court System
 Component Trial Courts
 Sponsor Senator French
 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	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Because the court system is already working to implement the changes made by CSSB 249(JUD), we do not anticipate any fiscal impact from the passage of this bill.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 3-2-06 @ 1:00 pm
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/2/2006
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 249
 () Publish Date: _____

Revision Date/Time (Note if correction): 3/2/06 -10:19 a.m. Dept. Affected: Administration
 Title An Act relating to criminal justice information RDU Legal and Advocacy Services
 Component Office of Public Advocacy
 Sponsor Sen. French
 Requester (S) JUD Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill adds new information to the list of information that must be reported by certain agencies within the Department of Public Safety. It is not expected to have a fiscal impact of the operations of the Office of Public Advocacy.

Prepared by: Joshua P. Fink, Director
 Division Office of Public Advocacy
 Approved by: Mike Tibbles, Deputy Commissioner
 Agency Administration

Phone (907) 334-4414
 Date/Time 3/2/06 - 10:19am
 Date 3/2/2006

ALASKA STATE LEGISLATURE



SENATOR HOLLIS FRENCH

SB 249- Criminal Justice Information

Sponsor Statement

Law enforcement in a state the size of Alaska presents numerous challenges. One way to overcome those challenges is to efficiently share public safety information that is available in agencies and departments that are not "talking" to one another.

One important piece of information that is not being shared now is bail conditions. Bail conditions set by a judge can prohibit a wide range of activities that are otherwise lawful. For example, a judge can issue bail conditions that prohibit the defendant from driving a car, consuming alcohol, or simply being near a certain person or physical location.

Unfortunately, there is no provision in Alaska law that requires bail conditions be listed in the Alaska Public Safety Information Network, or APSIN. Thus, our police officers and troopers have no practical way of knowing whether any person with whom they come into contact is or is not obeying their conditions of bail.

SB 249 is designed to close this gap and to provide another important tool to law enforcement.



Paper: Anchorage Daily News (AK)

Title: SWAT team swarms area - Armed man threatens suicide and killing in Turnagain neighborhood STANDOFF. Police and girlfriend talk depressed father of two out of house after nine hours; no one is harmed.

Date: June 22, 2005

Dozens of police officers toting shotguns descended on a quiet West Anchorage subdivision early Tuesday morning, blocking off roads and evacuating sleepy residents after a drunken, depressed man with a stash of guns threatened to hurt himself and others.

Police said Brooks Gandy, 40, fired one round at officers from the house, where he holed up for nine hours, but didn't hit anyone.

The standoff ended peacefully after Gandy's girlfriend, Mary Haugen, and three police negotiators trying different tactics talked him out of the house and onto the groomed front lawn of 3630 Clay Products Drive. Police said Gandy had been drinking for hours before the confrontation ended.

A small group of officers had responded at the two-story house, near Didlika Park in Turnagain, around 1:30 a.m. after Haugen called 911 and then hung up.

Dispatchers heard her say "take the gun out of your mouth" before the line went dead, police spokeswoman Anita Shell said. They immediately called back, Shell said.

"They asked her, 'Is there somebody else in the house?' She said yes. They asked, 'Does he have a gun?' She said yes."

A few minutes later, police showed up at the residence, in a middle-class subdivision of single-family homes. Haugen and her brother came out of the house almost immediately. They were unharmed.

Gandy stayed inside.

According to police, Gandy showed up at Haugen's home upset about losing a job and about a custody battle he is having with his soon-to-be ex-wife over their two kids. Shell said Gandy threatened to kill himself, Haugen and her dogs, which was when Haugen called police.

After police set up telephone communication with Gandy, they shined spotlights at the home. Gandy fired a gun in the direction of the lights. Police were standing nearby. The bullet was close enough that officers heard it whiz by, Deputy Police Chief Audie Holloway said.

Police called out the full SWAT team.

More than two dozen marked and unmarked police cars descended on the neighborhood as people slept in their houses nearby. It was about 4 a.m. Some officers acted as sentries, blocking off roads. Others set up a communications system inside two incident command trucks parked around the corner from the house. Several officers wearing green fatigues and carrying shotguns took positions in or on neighboring roofs and yards.

The sight alarmed some neighbors and annoyed others.

"My mom woke up to get a glass of water and saw a bunch of SWAT men with big guns," said Nanda Anderson, 23, who was asleep at her parents' house when the commotion broke out. Officers asked the family to leave.

Anderson, visiting from California with her boyfriend, said her parents, sister, and grandparents came rushing into her room in the middle of the night. Her boyfriend, Bobby Galley, 26, said he wasn't sure at first what was going on.

"I thought it was another tsunami," he said, explaining that recently in California, he and Anderson had had to evacuate for a false alarm.

Anderson said the SWAT team members were "very nice, very calm." The family grabbed a few things and left. After an early breakfast at Village Inn, Anderson, her grandparents and Galley sat in the sun on some lawn chairs outside Turnagain Elementary School, where the Red Cross had established a temporary shelter.

"At least it's a nice day," one of them mused. Galley wondered if he and Anderson would make their afternoon flight back to

Pacifica, Calif. "Maybe the SWAT team can go get my bag."

The Red Cross looked after about half a dozen people at the school. One of the volunteers manning the station was trying to catch his first fish of the season early Tuesday at Ship Creek when the call came in. He dropped everything.

"That's how Red Cross is able to be there 24 hours a day," spokeswoman Kelly Hurd said.

Around 9 a.m., the neighborhood beyond the police perimeter seemed to wake up. Young boys on bikes gathered near the police blockades talking on cell phones. Adults in SUVs tried to navigate through the maze of police cars.

"Good grief, look at this," a man on a bike said as he came around a corner and saw the mess. "Maybe I'll take a different route." Another man said he had to bike to work because the road was blocked and he couldn't get his vehicle out.

Over several hours of telephone conversation, police talked Gandy into setting two of the three guns he claimed to have outside the front door. Haugen helped in the negotiations where she could, police said.

"His range of emotions go from sad to angry to calm to uncooperative," Sheli said midway through the negotiations.

"The negotiators did a really good job," Holloway said. "They didn't give up."

Police see 12 to 18 standoffs a year in Anchorage, according to Holloway. Many involve threats of suicide. Tuesday's response probably cost \$7,000, Holloway said. Others have run as high \$12,000.

Breakfast for police who had spent hours on scene was 20 Egg McMuffins from a McDonald's drive-through. Around 10:20 a.m., Gandy gave himself up. He came out the front door and laid down on the lawn, police said.

Neighbors returning home consoled Haugen, who stood in her driveway smoking a cigarette. She politely declined to be interviewed.

Gandy was charged with assault, misconduct involving weapons and reckless endangerment and taken to the Anchorage Jail.

Daily News reporter Tataboline Brant can be reached at tbrant@adn.com or 257-4321.

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Author: TATABOLINE BRANT Anchorage Daily News Staff

Section: Main

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