

**HB**

**133**



## HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120  
(907) 465-4990

### COMMITTEE MEMBERS

Rep. Jay Ramras  
Chairman  
Room, 118  
(907) 465-3004

Rep. Nancy Dahlstrom  
Vice-Chairman  
Room 409  
(907) 465-3783

Rep. John Coghill  
Room 214  
(907) 465-3719

Rep. Bob Lynn  
Room 104  
(907) 465-4931

Rep. Ralph Samuels  
Room 204  
(907) 465-2095

Rep. Max Gruenberg  
Room 110  
(907) 465-4940

Rep. Lindsey Holmes  
Room 405  
(907) 465-4919

### MEMORANDUM

Date: March 27, 2007

To: Representative Kevin Meyer  
Co-Chairman House Finance Committee

From: Representative Jay Ramras  
Chairman House Judiciary Committee

Re: CSHB133(JUD) 25-LS0465\O

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Accompanying this memo, please find the referral-file for CSHB133(JUD).

Attached are the following documents:

- CSHB133(JUD) 25-LS0465\O
- Sponsor Statement
- Fiscal Notes
- Sectional
  - COR – indeterminate
  - LAW – 0
  - CTS – indeterminate
  - ADM, OPA – indeterminate
- Proposed changes to HB133
- HJUD Committee report
- Work draft CSHB133(JUD) 25-LS0465\E
- HB133 25-LS0465\A
- Support
- Committee correspondence
- Legal Opinion 3/2/07, Luckhaupt
- Relevant Statutes and AACs



Official Business

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

State Capitol  
Juneau, AK 99801-1182

### SPONSOR STATEMENT: HOUSE BILL 133

*"An Act relating to requiring electronic monitoring as a special condition of probation for offenders whose offense was related to a criminal street gang."*

Anchorage has seen an increase in gang violence in recent years. The Anchorage Police Department has entered 20 gang related crimes in 2007 alone. In 2006, the Police Department reported 122 gang-related cases.

This bill, which is a legislative priority for the municipality of Anchorage, addresses a problem that has been documented by the Anchorage Police Department and prosecutors where gang members who have been convicted of violent gang-related crimes go back to gang activity when they are released on probation.

HB 133 would require people who are convicted of violent, gang-related crimes to wear electronic monitoring devices as a condition of their probation. The bill will help law enforcement officials, through the use of technology in the form of ankle bracelets with global positioning systems, to monitor the movement of violent offenders, and supervise their activity.

The scope of HB 133 is narrowly defined. It applies only to those people who have been convicted of violent crimes that are proven in a court of law to be gang related. It would not be used on other offenders.

*Office of Representative Bob Buch*  
*House District 27*

State Capitol, Room 430 / Juneau, Alaska 99801  
907.465.4968 Office / 907.465.2040 Fax

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

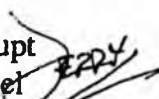
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 14, 2007

**SUBJECT:** HB 133 - Sectional Summary

**TO:** Representative Bob Buch

**FROM:** Gerald P. Luckhaupt  
Legislative Counsel 

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

**Section 1.** Amends AS 16.55.100 by adding a new subsection that requires electronic monitoring (with GPS location and tracking ability) as a special condition of probation for offenders whose offense involved a criminal street gang.

GPL:med  
07-100.med

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: HB133-DOC-A&O-3-13-0  
 Bill Version: HB 133  
 () Publish Date: \_\_\_\_\_

Revisor: Date/Time (Note if correction): 3/13/07 1:45pm Dept. Affected: Corrections  
 Title: An Act relating to electronic monitoring of a gang RDU: Administration and Operations  
 probationer. Component: Statewide Probation & Parole  
 Sponsor: Representatives Buch, Gruenberg, Holmes, Lynn  
 Requester: House Judiciary Component No. 2826

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services      | *       | *       | *       | *       | *       | *       |
| Travel                 | *       | *       | *       | *       | *       | *       |
| Contractual            | *       | *       | *       | *       | *       | *       |
| Supplies               | *       | *       | *       | *       | *       | *       |
| Equipment              | *       | *       | *       | *       | *       | *       |
| Land & Structures      | *       | *       | *       | *       | *       | *       |
| Grants & Claims        | *       | *       | *       | *       | *       | *       |
| Miscellaneous          | *       | *       | *       | *       | *       | *       |
| <b>TOTAL OPERATING</b> | *       | *       | *       | *       | *       | *       |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                                  |   |   |   |   |   |   |
|----------------------------------|---|---|---|---|---|---|
| <b>CHANGE IN REVENUES (1156)</b> | * | * | * | * | * | * |
|----------------------------------|---|---|---|---|---|---|

**FUND SOURCE** (Thousands of Dollars)

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 1002 Federal Receipts                   | * | * | * | * | * | * |
| 1003 GF Match                           | * | * | * | * | * | * |
| 1004 GF                                 | * | * | * | * | * | * |
| 1005 GF/Program Receipts                | * | * | * | * | * | * |
| 1037 GF/Mental Health                   | * | * | * | * | * | * |
| Other (Receipt Supported Services 1156) | * | * | * | * | * | * |
| <b>TOTAL</b>                            | * | * | * | * | * | * |

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| Full-time | * | * | * | * | * | * |
| Part-time |   |   |   |   |   |   |
| Temporary |   |   |   |   |   |   |

**ANALYSIS:** (Attach a separate page if necessary)

The Department of Corrections (DOC) can not determine the fiscal impact of this legislation. Data is not available on the number of offenders who would be impacted by this legislation. Active GPS - Intensive Supervision Surveillance Program (ISSP) monitoring would require the department to have one probation officer per every 15 offenders. This is the most intensive supervision program available, 24 hours a day, 7 days a week. Passive GPS - ISSP would require one probation officer per every 20 offenders and Passive GPS without ISSP would require one probation officer per every 40 offenders. These programs have less contact monitoring but are monitored by a computer and alarm system that contacts the probation officer if an offender goes in a prohibited area. Each offender would be required to pay \$17.04 per day to be on active or passive monitoring however, the department estimates only 30% of offenders will be able to pay. There are currently 96 offenders on probation that (continued on Page 2)

Prepared by: Sharleen Griffin, Director  
 Division: Administrative Services  
 Approved by: Dwayne Peoples, Deputy Commissioner  
 Agency: Department of Corrections

Phone (907) 465-3339  
 Date/Time 3/13/07 1:44 PM  
 Date 3/13/2007

**FISCAL NOTE**

**STATE OF ALASKA  
2007 LEGISLATIVE SESSION**

**BILL NO. HB 133**

**ANALYSIS CONTINUATION**

that have gang related indicators, of these 36 are under intensive supervision. The DOC does not currently conduct a uniform assessment of offenders to identify gang related offenders. It is expected that the number of offenders in the system is much higher than currently identified. The Juvenile System currently has 50 probationers and 23 pending probationers that may filter through this legislation. This indicates that a higher number will need to be under supervision in the future by DOC than currently estimated.

Please see below for costs the department has identified.

| <u>Ratio</u>   | <u>ACTIVE GPS<br/>(ISSP)</u> | <u>PASSIVE GPS<br/>(ISSP)</u> | <u>PASSIVE GPS<br/>(w/out ISSP)</u> |
|--|------------------------------|-------------------------------|-------------------------------------|
| Number of PO's                                       | 1                            | 1                             | 1                                   |
| Number of Offenders                                  | 15                           | 20                            | 40                                  |
| <b><u>Annual Costs- 1 Probation Officer</u></b>      |                              |                               |                                     |
| Personal Services                                    | \$107,814.00                 | \$107,814.00                  | \$107,814.00                        |
| Travel   | \$2,000.00                   | \$2,000.00                    | \$2,000.00                          |
| Services (exclude GPS)                               | \$11,700.00                  | \$11,700.00                   | \$11,700.00                         |
| Commodities*   | \$13,100.00                  | \$13,100.00                   | \$13,100.00                         |
| <b>TOTAL</b>   | <b>\$134,614.00</b>          | <b>\$134,614.00</b>           | <b>\$134,614.00</b>                 |
| <i>*Includes One Time Start Up Costs of \$10,700</i> |                              |                               |                                     |
| <b><u>Annual Revenues</u></b>                        |                              |                               |                                     |
| Number of Offenders                                  | 15                           | 20                            | 40                                  |
| Daily Cost per Offender                              | \$17.04                      | \$17.04                       | \$17.04                             |
| Annual Cost Per Offender                             | \$6,219.60                   | \$6,219.60                    | \$6,219.60                          |
| Estimate of Collections                              | 30%                          | 30%                           | 30%                                 |
| <b>TOTAL</b>   | <b>\$27,988.20</b>           | <b>\$37,317.60</b>            | <b>\$74,635.20</b>                  |
| <b><u>Cost Per Offender / Per Day</u></b>            |                              |                               |                                     |
| GPS Monitoring Cost                                  | \$9.25                       | \$9.25                        | \$9.25                              |
| Weekly Cost for 1 Offender                           | \$64.75                      | \$64.75                       | \$64.75                             |
| Annual Cost for 1 Offender                           | \$3,367.00                   | \$3,367.00                    | \$3,367.00                          |
| <b><u>Annual Contractual Cost for GPS</u></b>        |                              |                               |                                     |
| Number of Offenders                                  | 15                           | 20                            | 40                                  |
| Daily GPS Cost                                       | \$9.25                       | \$9.25                        | \$9.25                              |
| Number of Days                                       | 365                          | 365                           | 365                                 |
| <b>TOTAL</b>   | <b>\$50,643.75</b>           | <b>\$67,525.00</b>            | <b>\$135,050.00</b>                 |
| <b>TOTAL ESTIMATED COST</b>                          | <b>\$185,257.75</b>          | <b>\$202,139.00</b>           | <b>\$269,664.00</b>                 |
| <b>Revenues (Receipt Services)</b>                   | <b>\$27,988.20</b>           | <b>\$37,317.60</b>            | <b>\$74,635.20</b>                  |
| <b>General Funds</b>                                 | <b>\$157,269.55</b>          | <b>\$164,821.40</b>           | <b>\$195,028.80</b>                 |

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: HB133-LAW-CJL-2-16-07  
 Bill Version: HB 133  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_

Dept. Affected: Law

Title An Act relating to electronic monitoring of gang probationers.

RDU Criminal

Component Criminal Justice Litigation

Sponsor Representative Buch

Requester House Judiciary

Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2008    | FY 2009    | FY 2010    | FY 2011    | FY 2012    | FY 2013    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
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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) |            |            |            |            |            |            |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

The bill would require electronic monitoring as a special condition of probation for offenders whose offense was related to a criminal street gang. The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director  
 Division: Administrative Services Division  
 Approved by: Robert Meiners for Talis Colberg, Attorney General  
 Agency: Department of Law

Phone 465-5427  
 Date/Time 2/16/07 9:27 AM  
 Date 2/16/2007

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB133-Court-2-22-07  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Electronic monitoring of gang probationer RDU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Buch  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services      |         |         |         |         |         |         |
| Travel                 |         |         |         |         |         |         |
| Contractual            |         |         |         |         |         |         |
| Supplies               |         |         |         |         |         |         |
| Equipment              |         |         |         |         |         |         |
| Land & Structures      |         |         |         |         |         |         |
| Grants & Claims        |         |         |         |         |         |         |
| Miscellaneous          |         |         |         |         |         |         |
| <b>TOTAL OPERATING</b> | *       | *       | *       | *       | *       | *       |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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) |   |   |   |   |   |   |
| <b>TOTAL</b>                            | * | * | * | * | * | * |

Estimate of any current year (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

House Bill 133 requires that a defendant be subject to electronic monitoring during the period of probation if the crime for which he or she was convicted was proven to be related to a criminal street gang. This bill would result in much closer monitoring of those probationers and likely lead to more petitions to revoke probation coming to the court. This increase in workload will mean an increase in the resources necessary to resolve those cases. However, because the number of cases likely to come before the court as a result of this new probationary condition is unknown, the extent of the bill's impact on the court system is too speculative to support a fiscal note at this time.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 2/22/07 2:30 PM  
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 2/22/2007  
 Agency Alaska Court System

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: HB133-DOA-OPA-3-28-07  
 Bill Version: HB 133  
 () Publish Date: 2/14/2007

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An act relating to requiring electronic monitoring RDU Legal and Advocacy Services  
as a special condition of probation... Component Office of Public Advocacy  
 Sponsor Rep. Buch  
 Requester House Judiciary Component No. 43

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services      | *       | *       | *       | *       | *       | *       |
| Travel                 | *       | *       | *       | *       | *       | *       |
| Contractual            | *       | *       | *       | *       | *       | *       |
| Supplies               | *       | *       | *       | *       | *       | *       |
| Equipment              | *       | *       | *       | *       | *       | *       |
| Land & Structures      | *       | *       | *       | *       | *       | *       |
| Grants & Claims        | *       | *       | *       | *       | *       | *       |
| Miscellaneous          | *       | *       | *       | *       | *       | *       |
| <b>TOTAL OPERATING</b> | *       | *       | *       | *       | *       | *       |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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) |   |   |   |   |   |   |
| <b>TOTAL</b>                            | * | * | * | * | * | * |

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

This bill requires the court to impose, as a special condition of probation, electronic monitoring with GPS tracking for persons convicted of criminal offenses related to gang related activity. This requirement appears to cover the entire period of probation, which may last five to ten years, and does not provide guidance on who would bear the cost. The burden of this additional requirement could impact the negotiation process and affect the litigation and trial rate. It is not possible, however, to determine with any accuracy the potential fiscal impact of this requirement. The Agency, therefore, submits an indeterminate fiscal note.

Prepared by: Joshua P. Fink  
 Division: Office of Public Advocacy  
 Approved by: Rachael Petro, Deputy Commissioner  
 Agency: Administration

Phone 907-269-3501  
 Date/Time 3/28/07 9:00AM  
 Date 3/26/07 9:30AM

Pilot Project

Jane

**PROPOSED CHANGES TO HB 133**

**Section 1. AS 12.55.100 (f)**

(f) While on probation and as a special condition of probation for an offense where the aggravating factor provided in AS 12.55.155 c(29) has been proven or admitted [or the penalty for the offense was aggravated under AS 12.55.137] \* **OR FOR JUVENILES WHO ARE CONVICTED FOR VIOLATIONS UNDER AS 47.12.030** \*\* the court shall require that the defendant submit to electronic monitoring. Electronic monitoring under this subsection must provide for [continuous] \*\*\* monitoring of the defendant's location and movements by Global Positioning System technology. A defendant subject to electronic monitoring under this subsection is not entitled to credit for time served IN A CORRECTIONAL FACILITY AS DEFINED IN AS 33.30.901 WHILE THE ~~DEFENDANT~~ DEFENDANT is on probation.

(g) In addition to other conditions of parole imposed under this section for a prisoner serving a sentence for an offense where the aggravating factor provided in the AS 12.55.155 c (2) has been proven or proven or admitted [or the penalty for the offense was aggravated under AS 12.55.137.1] **OR FOR JUVENILES WHO ARE CONVICTED FOR VIOLATIONS UNDER AS 47.12.030** the board shall impose as a condition of special, medical, discretionary and mandatory parole a requirement that the defendant submit to electronic monitoring. Electronic monitoring under this subsection must provide for [continuous] monitoring of the defendant's location and movements by Global Positioning System technology. A defendant subject to electronic monitoring under this subsection is not entitled to credit for time served IN A CORRECTIONAL FACILITY AS DEFINED IN AS 33.30.901 WHILE THE DEFENDANT is on parole.

**Explanations:**

\* This will be deleted for two reasons. First, AS 12.55.137 has never been used by prosecutors (per Annie Carpeneti) so including it here essentially accomplishes nothing. Second, this statute includes misdemeanants, which is what is driving up the fiscal note (per Dwayne Peoples). By deleting this, we reduce the number of offenders who come under the purview of the bill, limit the bill's application only to the most serious, violent offenders and significantly reduce the fiscal impact of the legislation.

\*\* "Heinous Hooligan" provision: By adding this language, we will address Rep. Ramras' concerns about the violent teens in Fairbanks who kicked the homeless man to death. Under our original bill, they would not have been subject to monitoring because they didn't meet the strict legal definition of "criminal street gang." This provision will now make those teens subject to electronic monitoring, along with gang members.

\*\*\* ~~Delete the word "continuous."~~ This word means there is a probation officer sitting in front of a computer screen monitoring offenders 24/7. There are other, more cost-effective forms of active monitoring that rely on technology to "sound the alarm" when an offender goes into a forbidden zone. DOC says that using these other forms of active monitoring will reduce the fiscal note without reducing safety.

\*\*\*\* per the House Judiciary Committee (Max Gruenberg drafted this language)

Syso 125

**HOUSE COMMITTEE REPORT**

(7)  
Date Referred to Committee: February 14, 2007

FURTHER REFERRALS: Finance

Date of Committee Action: 3/26/07

The JUDICIARY Committee considered:

HB 133

HOUSE BILL NO. 133

ELECTRONIC MONITORING OF GANG PROBATIONER

"An Act relating to requiring electronic monitoring as a special condition of probation for offenders whose offense was related to a criminal street gang."

Recommends it be replaced with  HCS or  CS for HB133 (JLD)  
For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts:  
ADM  
CED  
COR  
CRT  
EDU  
DEC  
DPG  
GOV  
HHS  
LEG  
LAW  
LWF  
MYA  
DNR  
DPS  
REV  
DOT  
UA

| <u>NEW</u> FISCAL NOTES           |      |        |        |      |
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| *Assigned by Chief Clerk's Office |      |        |        |      |
| List by Dept(s):                  | *FNM | Fiscal | Indet. | Zero |
| CRT                               |      |        | ✓      |      |
| LAW                               |      |        |        | ✓    |
| DOA                               |      |        | ✓      |      |
| COR                               |      |        | ✓      |      |
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| <u>PREVIOUS</u> FISCAL NOTES |     |        |        |      |
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| List by Dept(s):             | FN# | Fiscal | Indet. | Zero |
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| <u>Signing with recommendations</u> | Printed Last Name | DP | DNP | NR | AM |
|-------------------------------------|-------------------|----|-----|----|----|
| <i>[Signature]</i>                  | Gruber            | -  |     |    |    |
| <i>[Signature]</i>                  | LYNN              | X  |     |    |    |
| <i>[Signature]</i>                  | Cochran           | X  |     |    |    |
| <i>[Signature]</i>                  | SAMUELS           | X  |     | X  |    |
| <i>[Signature]</i>                  | Holmes            | X  |     |    |    |
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| Chair: <i>[Signature]</i>           | RAMRES            |    |     | X  |    |
| Chair: <i>[Signature]</i>           |                   |    |     |    |    |

25-LS0465E  
Luckhaupt  
2/20/07

**CS FOR HOUSE BILL NO. 133(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES BUCH, Gruenberg, Holmes, Lynn, Roses, Crawford, Fairclough, Neuman**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to requiring electronic monitoring as a special condition of probation**  
2 **or parole for offenders whose offense was related to a criminal street gang."**

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

4 **\* Section 1.** AS 12.55.100 is amended by adding a new subsection to read:

5 (f) While on probation and as a special condition of probation for an offense  
6 where the aggravating factor provided in AS 12.55.155(c)(29) has been proven or  
7 admitted or the penalty for the offense was aggravated under AS 12.55.137, the court  
8 shall require that the defendant submit to electronic monitoring. Electronic monitoring  
9 under this subsection must provide for continuous monitoring of the defendant's  
10 location and movements by Global Positioning System technology. A defendant  
11 subject to electronic monitoring under this subsection is not entitled to a credit for  
12 time served while on probation.

13 **\* Sec. 2.** AS 33.16.150 is amended by adding a new subsection to read:

14 (g) In addition to other conditions of parole imposed under this section for a

1 prisoner serving a sentence for an offense where the aggravating factor provided in  
2 AS 12.55.155(c)(29) has been proven or admitted or the penalty for the offense was  
3 aggravated under AS 12.55.137, the board shall impose as a condition of special  
4 medical, discretionary, and mandatory parole a requirement that the defendant submit  
5 to electronic monitoring. Electronic monitoring under this subsection must provide for  
6 continuous monitoring of the defendant's location and movements by Global  
7 Positioning System technology. A prisoner subject to electronic monitoring under this  
8 subsection is not entitled to a credit for time served while on parole.



# Municipality of Anchorage



3501 Bragaw Street • Anchorage, Alaska 99507-1500 • Telephone: (907) 740-4500 • <http://www.muni.org>

Mayor Mark Begich

Anchorage Police Department

February 12, 2007

Representative Bob Buch  
State Capitol, Room 430  
Juneau, Alaska 99801

Re: APD Support for Electronic Ankle Monitors

Dear Representative Buch:

As Chief of the Anchorage Police Department, I endorse the concept of electronic monitoring as a special condition of probation for offenders whose crimes were for the benefit of, at the direction of, or in association with a criminal street gang. This was a public safety priority contained in the Municipality of Anchorage's legislative package.

While the technology is no substitute for regular visits by human monitors, the combination of such visits with the electronic monitoring of the convicted person's movements and location will help ensure that conditions of probation are adhered to. Key to the employment of such devices will be the reasonableness that there is a clear link between the offense and the restriction. It is certainly reasonable to expect convicted violent gang members to keep authorities informed as to their whereabouts.

The fact that this bill uses the court as the deciding factor as to whether the threshold articulated in AS 12.55.155 (c)(29) and AS 12.55.137 was met ensures the defendant's due process rights are adhered to prior to requiring the defendant to submit to the electronic monitoring. As a Police Chief, it is important to me that such conditions of probation are determined after the case has been adjudicated.

Once again, I endorse the concept of electronic monitoring as a special condition of probation for individuals who have been convicted of a crime where the aggravating factors regarding criminal street gangs are proven.

Sincerely,

Rob Heun  
Chief of Police

*Community, Security, Prosperity*

**2007 STATE LEGISLATIVE PROGRAM  
MUNICIPAL PRIORITY ISSUES**

**Legislation**

**Public Safety**

**ISSUE/PROJECT NAME:** Require Monitoring Devices For Violent Youth Offenders

**PRIORITY:** 2

**ISSUE/PROJECT DESCRIPTION:**

Criminal activity by youth and members of criminal street gangs has increased in Alaska in recent years. The Municipality of Anchorage has several initiatives to prevent and crack down on youth and gang violence, launching a five-part anti-gang effort in June 2005. That includes the Anchorage Police Department reinstating its special gang unit, seeking greater citizen involvement, holding a gang summit with the U.S. Attorney's Office and hiring two prosecutors to work in partnership with federal prosecutors on gang violence.

These efforts have produced some progress. In 2006, the special APD anti-gang unit arrested 121 people on 101 state felony charges, six federal charges and 70 misdemeanor charges confiscated 63 guns and seized 22 batches of drugs.

However, a particular problem documented by APD and prosecutors is that certain offenders released on probation encourage continued gang activity.

The purpose of this amendment is to use advanced technology to monitor the movements of these offenders who have been released on probation. The Municipality requests that the legislature amend AS 12.55 to provide that the court shall impose as a condition of probation a requirement that a defendant against whom an aggravating circumstance under AS 12.55.155(c)(29)(commission of crime for benefit of, at direction of or in association with criminal street gang) has been proven, or who is subject to the provisions of AS 12.55.137(misdemeanors treated as higher offense if committed for benefit of, at direction of or in association with criminal street gang) be supervised by means of electronic monitoring using a global positioning system.

**Legislative District (s):**

**House:** 99

**Senate:** A

**CONTACT PERSON:** James Reeves, Municipal Attorney, 343-4534



# FAIRBANKS POLICE DEPARTMENT

911 Cushman Street  
Fairbanks, AK 99701-4616  
Phone: (907) 450-6500  
Fax: (907) 452-1588  
Email: [fpd@ci.fairbanks.ak.us](mailto:fpd@ci.fairbanks.ak.us)



Alaska State Legislature  
Juneau, AK 99801

**RE: Senate Bill 89**

March 2, 2007

Dear Members:

It has come to my attention that Senate Bill 89, *Electronic Monitoring of Gang Probationers*, is currently under consideration. I would like to add my voice in strong support of this legislation.

While Fairbanks currently does not experience the scope and extent of gang violence that has been evidenced in Anchorage, I'm somewhat concerned that it is only a matter of time before such activity migrates northward.

We need to act swiftly to deter gang activity and its associated violence, before this problem becomes entrenched throughout Alaska. Senate Bill 89 provides a positive step in keeping those who have been convicted of gang-related crimes of violence from returning to- and associating with- other gang members upon release from prison. Common sense dictates that such associations will likely lead to repeated negative (and often violent) behavior.

Please feel free to call me if you would like to discuss this issue further.

Sincerely,

A handwritten signature in black ink that reads 'Daniel P. Hoffman'.

Daniel P. Hoffman, Chief  
Fairbanks Police Department

**adn.com**

Anchorage Daily News

Print Page

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**Gang-related crimes increase****ALASKA DIGEST***(Published: February 17, 2007)*

JUNEAU -- Anchorage police say gang-related crimes are on the rise, with 20 reports of violence or other crimes reported in January alone.

But while police say they are getting tougher on prosecuting gang members, keeping convicted gang members from returning to a life of crime has been a challenge.

Lawmakers are pushing legislation that would help police keep up with convicted gang members by requiring the use of electronic monitoring devices as a condition of their probation. Supporters of the bill say the use of bracelets with global positioning systems would help police supervise the activity of convicted gang members.

If the bill passes, the devices would be required for those convicted of gang-related violent crimes only, according to Rep. Bob Buch, D-Anchorage. The device would not be used in cases of gang members convicted of non-violent crimes, he said.

"The bill will give police a tool to keep tabs on gang members convicted of violent crime," Buch said. "But it won't give them a tool for rounding up every kid who comes home with a tattoo."

Implementing the use of the electronic devices would be easy for the state as it already uses the ankle bracelets for convicted sex offenders. The state currently has about 200 such monitoring devices, Buch said.

The bill, which has bipartisan support in the House, will be heard in a House Judiciary Committee hearing on Monday.

-- Anchorage Daily News

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# ALASKA STATE LEGISLATURE

*While in Session*  
State Capitol  
Juneau, Alaska 99801-1182  
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*While in Anchorage*  
716 West 4th Avenue  
Anchorage, Alaska 99501  
(907) 269-0117  
Fax: (907) 269-0119

## REPRESENTATIVE BOB BUCH

Representative\_Bob\_Buch@legis.state.ak.us

Date: March 14, 2007  
To: Representative Nancy Dahlstrom  
From: Representative Bob Buch  
Re: Proposed Legislation (HB 133)

---

Dear Nancy:

This is to follow up on your questions about HB 133 (electronic monitoring of gang probationers and parolees). In particular you had questions about how the Dept. of Corrections would handle the contracting for the GSP technology, and about ending the program should it prove not to be effective or affordable.

I met with Dwayne Peeples, Deputy Commissioner of the Department of Corrections and Annie Carpeneti in the Department. of Law to get the answers to your questions.

In regards to the contracting procedures for the GSP technology, Dwayne Peeples advised me that the Department of Corrections currently has a multi-year contract with BI Incorporated to provide the state of Alaska with electronic monitoring services. This contract was competitively bid in 2005. The effective dates of the state's contract with BI Incorporated are February 1, 2006-September 30, 2010 with provisions for annual amendments and renewals based on program needs. Should HB 133 be passed into law, the Department would implement electronic monitoring under their current contract.

I share your concerns about giving the state of Alaska an "out" should the electronic monitoring program prove to be ineffective or costly. To that end, I am proposing that we try electronic monitoring as a pilot project for a five year period in order to assess its effectiveness before making it a permanent program.

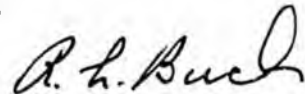
I originally proposed that we undertake it as a three year pilot project; however, both the Dept. of Law and the Dept. of Corrections thought that three years would not be enough time to assess the program because of the lag time it will take to get it going in the court system. Once the program becomes law, prosecutors will have to start using the gang provision as an aggravating factor in their prosecutions of felonies. This court process

alone can take up to a year, and sometimes even longer. If the prosecutors are successful, the convicted gang members will then do jail time for their felonies. (Depending on the particular crime, jail time will vary, but because these offenders are felons their jail time could be substantial). This means that the earliest we could see convicted gang members getting out of jail and being put on GSP monitoring, is 2-3 years away. If we sunset the bill after 3 years, we will not have had enough time or experience with GSP monitoring to assess whether or not it is working. Giving the bill a 5-year sunset provision would give us enough experience with the program to assess its effectiveness.

In light of this discussion, I have added a sunset provision to HB 133 so that the program would have to come before the Legislature in 2012 for review before it could be continued.

I hope this addresses your concerns. Feel free to contact me if you have any other questions about the bill. I'm hoping to have this before the Judiciary Committee sometime in the next two weeks.

Thanks very much for your support. I appreciate it.



Representative Bob Buch  
Alaska State Legislature  
House District 27

**STATE OF ALASKA**  
**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
*DIVISION OF JUVENILE JUSTICE*

*Sarah Palin, GOVERNOR*

*P.O. BOX 110635  
JUNEAU, ALASKA 99811-0635  
PHONE: (907) 465-1382  
FAX (907) 465-2333*

February 26, 2007

The Honorable Representative Jay Ramras  
Alaska State Capitol, Room 118  
Juneau, AK 99801

Dear Representative Ramras:

In last week's House Judiciary Hearing (2/21/07) on House Bill 133 (Electronic Monitoring for Gang Members) the following questions were posed regarding the Division of Juvenile Justice's management of electronic monitoring and gang members. Here are the questions with responses:

**1.) What is the youngest person placed on Electronic Monitoring by the Division of Juvenile Justice? (Rep. Dahlstrom)**

The youngest juveniles to be placed on Electronic Monitoring since the adoption in 2003 of a statewide policy and procedure regarding its use have been 12 years old, according to a review of Division data. Probation officers who have supervised these young offenders report that they typically had committed crimes against property or weapons offenses. Electronic monitoring was provided to these youth because their probation officers were concerned that the youth lacked adequate adult supervision.

**2.) What are recidivism rates for gang members, and how do these compare with other youth? Are the crimes committed by juveniles involved in gangs more serious than others? (Rep. Holms)**

As noted at the hearing, this question is difficult to answer because of the lack of data specific to gang membership and whether offenses are gang related. Intake officers are not always made aware of gang information when they receive police reports and do not have standardized definitions that clearly state when a youth should be considered a gang member or when an offense was specifically gang related. As a result, data the Division has collected about gang members should be considered anecdotal. Over the time period 2000-2006, 26 juveniles were referred to the Division of Juvenile Justice and noted by Division staff to have a gang affiliation. Of these, 15 were managed through the formal court process and placed on probation supervision (with or without custody) or in a secure juvenile treatment facility. Of these 15, 4 juveniles (27%) had committed a reoffense within 12 months of their release from supervision or treatment that resulted in a conviction or re-adjudication. This recidivism rate is approximately the same as for the Division's overall recidivism rate of 28% noted both for youth placed

on formal probation or in secure treatment facilities. Again, the small number of youth noted to have a gang affiliation dictate that this information should be considered anecdotal.

The 26 juveniles noted in the Juvenile Offender Management Information System were noted to have committed 39 offenses as follows: 18 (46.2%) were felonies, 9 (23.1%) were misdemeanors, 10 (25.6%) were probation violations, and 2 (5.1%) were other types of violations. Compared with all juveniles referred to the Division, the youth with gang affiliations were noted to have a higher percentage of offenses that were felonies compared with the general population of Alaska juveniles. For example, in FY 06, the percentage of offenses for all youth referred to DJJ that were felonies was 29.6%, with the percentage of misdemeanors 52.2%, probation violations 1.0%, and other violations 17.2% (out of a total of 5,713 offenses). These results suggest that youth with a gang affiliation commit more serious offenses than juveniles generally; however, again because of the small number of youth noted to have a gang affiliation, this information should be considered anecdotal at best.

Please let us know if we can be helpful in answering any other questions.

Sincerely,

A handwritten signature in black ink that reads "Tony Newman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tony Newman  
Social Services Program Officer

# ALASKA STATE LEGISLATURE

*While in Session*  
State Capitol  
Juneau, Alaska 99801-1182  
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Anchorage, Alaska 99501  
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Fax: (907) 269-0119

## REPRESENTATIVE BOB BUCH

Representative\_Bob\_Buch@legis.state.ak.us

Date: March 13, 2007  
To: Representative John Coghill  
From: Representative Bob Buch  
Re: Proposed Legislation

---

Dear John:

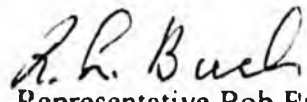
This is to follow up on your question about the language in HB 133 (electronic monitoring of gang probationers). In particular you had a question about the opening phrase "While on probation and as a special condition of probation ...etc."

I contacted Gerry Luckhaupt in Legal Services and asked him why the language of the bill was constructed in this manner, and if this could create some possible loophole in the future that lawyers could exploit.

Gerry said that this wording won't create loopholes; it simply creates clarity that electronic monitoring will be used for offenders on probation, as a special condition of their probation. He also said that this wording has been used before by the Legislature. By including it here, it will make our new subsection consistent with the wording and form of the statute that HB 133 is being added to (AS 12:55:100). I've attached a highlighted copy of the statute so you can see what he means.

I hope this addresses your concerns. Feel free to contact me if it doesn't, or if you have any other questions about the bill. I'm hoping to have this before the Judiciary Committee sometime in the next two weeks.

Thanks very much for your support. I appreciate it.

  
Representative Bob Buch  
Alaska State Legislature  
House District 27

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

DRAFT

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

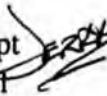
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 2, 2007

**SUBJECT:** Inclusion of Minors Prosecuted as Adults - CSHB 133( )  
(Work Order No. 25-LS0465\K)

**TO:** Representative Bob Buch

**FROM:** Gerald P. Luckhaupt   
Legislative Counsel

Enclosed is the bill draft you requested. I have one comment. Requiring electronic\GPS monitoring of minors prosecuted as adults under the automatic waiver provisions of AS 47.12.030 may be subject to challenge. Alaska uses a sliding scale approach to equal protection analysis.

Analysis under our state equal protection clause is considerably more fluid than under its federal counterpart. Instead of using three levels of scrutiny, we apply a sliding scale under which "the applicable standard of review for a given case is to be determined by the importance of the individual rights asserted and by the degree of suspicion with which we view the resulting classification scheme." *State v. Ostrosky*, 667 P.2d 1184, 1192-93 (Alaska 1983). As the right asserted becomes "more fundamental" or the classification scheme employed becomes "more constitutionally suspect," the challenged law "is subjected to more rigorous scrutiny at a more elevated position on our sliding scale." *Id.*, at 1193. The importance of the asserted right and the suspectness of the classification scheme determine the ends-means scrutiny to be applied.

Our general approach is as follows:

As the level of scrutiny selected is higher on the [sliding] scale, we require that the asserted governmental interests be relatively more compelling and that the legislation's means-to-ends fit be correspondingly closer. On the other hand, if relaxed scrutiny is indicated, less important governmental objectives will suffice and a greater degree of over/or underinclusiveness in the means-to-ends fit will be tolerated.

...

Minimal scrutiny under our state constitution may be more demanding than under the federal constitution. As under the federal constitution, the

Representative Bob Buch

March 2, 2007

Page 2

challenged exclusion must be designed to achieve a "legitimate" governmental objective; however, the exclusion must bear a "fair and substantial" relationship to the accomplishment of the legitimate objective.

*Department of Revenue v. Cosio*, 858 P.2d 621, 629 (Alaska 1993). The legislature should identify the justification for this classification. Is a minor automatically waived into adult court any more dangerous than an 18 year convicted of the same or a greater crime?

GPL:med

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Enclosure



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**22 AAC 05.620. Prisoner responsibilities for electronic monitoring services**

(a) Except as provided in (b) and (h) of this section, the department will assess a prisoner who is designated to serve a term of imprisonment or period of temporary confinement, or a part of the term or period, by electronic monitoring a fee of \$12 per day to pay the costs of the monitoring.

(b) A prisoner who believes that making full payment for electronic monitoring would cause undue hardship may request the prisoner's probation officer to make a determination of undue hardship. The prisoner, subject to the penalties for unsworn falsification under AS 11.56.210, shall certify on a form provided by the department, that full payment would cause undue hardship and state what amount, if any, the prisoner can pay. The prisoner's probation officer shall determine in writing whether undue hardship exists and the amount the prisoner must pay, after considering the factors set out in (c) of this section. If requested to do so by the prisoner's probation officer, a prisoner shall submit copies of income tax records and other records needed to substantiate information provided by the prisoner and shall sign a release authorizing the department to obtain such records.

(c) The prisoner's probation officer shall make a determination that undue hardship exists if, after considering the prisoner's income, property owned, other assets, and outstanding obligations, the number and ages of the prisoner's dependents, and similar factors, the probation officer determines that the prisoner is unable financially to provide for the basic needs, including food, shelter, utilities, and health care, of the prisoner and the prisoner's dependents.

(d) A prisoner whom the department determines must make full payment to participate in electronic monitoring may request a determination of undue hardship from the prisoner's probation officer if the prisoner subsequently has a significant change in circumstances that affects the prisoner's ability to make full payment.

(e) If the prisoner pays less than full payment for electronic monitoring or requests a determination of undue hardship based on a significant change of circumstances, the prisoner shall report on a weekly basis to the prisoner's probation officer any significant changes in circumstances that occur in the prisoner's ability to make full or partial payment.

(f) A prisoner who disagrees with a probation officer's determination under (b) of this section as to undue hardship or the amount of payment may appeal the probation officer's determination to the deputy commissioner by submitting a written appeal through the prisoner's probation officer within five days of receipt of the determination. The notice of appeal must be submitted on a form provided with the determination, and must contain a statement of the reasons upon which the appeal is based. The deputy commissioner shall respond to the appeal within 15 working days of receipt. Failure of the deputy commissioner to respond within 15 working days must be considered a denial of the appeal. However, a late response granting an appeal is valid. The deputy commissioner's decision is the final administrative action.

(g) Except as provided in (h) of this section, a prisoner who is required to pay less than full payment for electronic monitoring shall pay the department the difference between the amount of full payment and the amount the prisoner was required to pay, if the department subsequently determines that full payment would not have caused undue hardship for the prisoner. The department will base its determination upon the discovery of

- (1) additional information about the prisoner's financial circumstances;
  - (2) fraud, misrepresentation or other misconduct by a person who provided information relating to the initial determination of undue hardship; or
  - (3) a clerical or mathematical mistake arising from an oversight or omission by the department.
- (h) The department will, in its discretion, require a prisoner on electronic monitoring to use an alcohol breath monitor as a component of electronic monitoring. Full payment for a prisoner who is required to use an alcohol breath monitor as a component of electronic monitoring is \$14 per day.
- (i) In this section, unless the context requires otherwise, "dependent" has the meaning set out at 26 U.S.C. 152 (Internal Revenue Code), revised as of February 25, 1999, and adopted by reference.

**History: Eff. 4/2/99, Register 149**

**Authority: AS 33.30.065**

**22 AAC 05.660. Definitions**

- (a) In this chapter, unless the context requires otherwise,
- (1) "administrative segregation" means a form of separation from the general facility population, in accordance with 22 AAC 05.485, if the continued presence of a prisoner in the general population would be a serious threat to life, property, self, staff, other prisoners, or the security or orderly administration of the facility; "administrative segregation" does not include maximum custody housing under 22 AAC 05.271;
  - (2) "administrative transfer" means the transfer of a prisoner between facilities for any purpose related to an emergency or potentially hazardous situation or to facilitate an administrative action that can be more efficiently accomplished at another facility, such as parole hearing, court action, medical or mental health treatment, military tribunal, family emergency, or population management;
  - (3) "admission" means the administrative process of accepting a prisoner into an adult correctional facility;
  - (4) "assistant superintendent" means the deputy chief administrator of an adult correctional facility or any employee of the department designated by the assistant superintendent, superintendent, regional director, deputy commissioner or the commissioner to carry out an official function of the assistant superintendent;
  - (5) "body cavity search" means the intrusive manual, mechanical, or instrument examination of a person's body appendages and openings by medical personnel;
  - (6) "central classification" means the staff in the department responsible for system-wide classification and coordination, or any employee of the department designated by the commissioner or deputy commissioner to carry out any official function relating to system-wide classification and coordination;
  - (7) "classification form" means the form used to provide specific guidelines for the review and