

HB

213



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

COMMITTEE MEMBERS

Rep. Jay Ramras
Chairman
Room, 118
(907) 465-3904

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
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MEMORANDUM

Date: April 24, 2007

To: Representative John Coghill
Chairman House rules Committee

From: Representative Jay Ramras
Chairman House Judiciary Committee

Re: HB213

Please consider this memo the referral file for CSHB213(JUD). Attached are the following documents:

- Sponsor Statement
- CSHB213(JUD) 25-LS0606\M
- Sponsor Analysis
- House Judiciary Committee Report
- Changes re: Judiciary version
- Fiscal Notes
- Previous versions of bill
- Support
- Relevant Statutes



Alaska State Legislature

Representative Andrea Doll

House District 4

Sponsor Statement

HB 213 Relating To Crimes at Domestic Violence Shelters

Alaska's rates of domestic violence and sexual assault are among the highest in the nation. While the state has made strides in providing safe shelters to protect victims of these crimes, more needs to be done to ensure that shelters provide the secure environment these vulnerable members of our society need for their safety and recovery. This legislation will give juries, prosecutors, and judges the ability to impose stiffer sentences --- up to the maximum punishment for each offense --- for felonies committed on the premises of a shelter for victims of domestic violence or sexual assault. It provides direction to judges and prosecutors that crimes committed on the premises of domestic violence shelters are deserving of maximum allowable punishment.

Women and children are typically the victims of domestic violence and abuse and many must seek refuge in a local shelter. These shelters are literally lifesavers for those who are at high risk of further violence. Unfortunately, in spite of strict security provided by these facilities, there are perpetrators of domestic violence who attempt to inflict further distress and harm to residents of these shelters. There have been recent incidents in Alaska where individuals have broken into shelters, or attempted to do so, with this intent. Due to presumptive sentencing laws, in many cases the perpetrator has not received a sentence commensurate with the seriousness of victimizing the vulnerable persons staying or working in these shelters.

No legislation can stop the most determined individuals from attempting to break into a shelter. However, this bill will provide for the imposition of greater sentences, up to the maximum for the offense, for such offenders.

Alaska must address our epidemic of abuse towards women and children in every way possible. Passage of this legislation will send an important message that Alaska will not go lightly on those who jeopardize the peace and safety of those who have sought refuge in a shelter or safe house.

Contact: Terri Harvey 465-4712
03/22/07



Alaska State Legislature
Representative Andrea Doll
House District 4

HB 213 CRIMES AT DOMESTIC VIOLENCE SHELTERS

WHAT IT DOES

- Gives juries, prosecutors, & judges the ability to move beyond a presumptive sentence, up to the maximum for each offence, for felonies committed on the premises of a shelter for victims of domestic violence or sexual assault.
- Also provides direction from the Legislature to our justice system that any crime committed at one of these facilities are deserving of the maximum allowable punishment.
- Makes it clear that the Legislature believes these crimes are considered very serious and deserve special attention.

HOW IT DOES IT TECHNICALLY

- By adding crimes committed at shelters to already existing statutes regarding factors in aggravation.
- Factors in aggravation, if proven, must be considered by the sentencing court.
- Factors in aggravation are provided in AS 12.55.155(e)

WHY WE NEED TO PASS THIS LEGISLATION

- Because crimes committed at these shelters & safe houses in cities and rural areas are a regular occurrence in Alaska.
- Alaska rates of domestic violence & sexual assault are among the highest, if not *the* highest, in the nation.
- To continue the Legislatures mission to seek out every means available in our statutes to address this problem.
- So that we can provide the safest and most secure environment possible for victims who are vulnerable and in need of shelter
- To provide a safe work environment for the professionals and volunteers who provide services within these shelters
- To add credibility to our Resolution just passed by this Legislative body and signed by our Governor declaring April 2007 Sexual Awareness Month in Alaska.

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE

Representative Jay Ramras
Chairman
(907) 465-3004
Fax: (907) 465-2070
Representative_Jay_Ramras@legis.state.ak.us

1292 Sadler Way, Suite 324
Fairbanks, AK 99701



Committee Members:
Representative Nancy Dahlstrom,
Vice-Chairman
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol, Room 120
Juneau, Alaska 99801-1182

Fax

To: Leg. Legal

Fax #: 2029

Number of pages including cover: 1

From: Jane Pierson

Date: April 23, 2007

Re: CS for CSHB213(HES)25-LS0606\E

Might you please draft a HJUD CS for CSHB213(HES) 25-LS0606\E, to include the following changes:

P.1, L.5 after "on" add "or to affect persons or property on."

Amendment #1 to CS HB 213 (Hess)
by Gruenke

p 1 l 5 after "on" or add "or to affect persons
or property or"
Passes.

Amendment #2

W/D

See 37.

Apply to crimes of domestic violence
under 18.66.990(3), solicitation, conspiracy, & felony
weapon offenses to commit crime.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB213-DOC-A&O-4-9-07
 Bill Version: HB 213
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title An Act relating to an aggravating factor at RDU Administration & Operations
sentencing for crimes committed at certain shelters and facilities. Component Office of the Commissioner
 Sponsor Representative Doll
 Requester House HESS Component No 694

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						
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 (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)

Passage of this legislation will not create a substantial fiscal impact for the Department of Corrections.

Prepared by: Sharleen Griffin, Director Phone (907) 465-3339
 Division: Administrative Services Date/Time 4/9/07 2:06 PM
 Approved by: Dwayne Peeples, Deputy Commissioner Date 4/9/2007
 Agency: Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB213-LAW-CJL-4-9-07
 Bill Version: HB 213
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to crimes at domestic violence RDU Criminal
shelters Component Criminal Justice Litigation
 Sponsor REPRESENTATIVE(s) DOLL
 Requester HOUSE HES 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						
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						
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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 (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 would create an aggravating factor which would allow a court to increase a presumptive sentence for crimes committed on the premises of a shelter for victims of domestic violence or sexual assault. This proposed legislation should not have any fiscal impact on the Department of Law.

Prepared by: Robert Meiners, Admin. Services Manager Phone 465-5427
 Division Administrative Services Division Date/Time 4/9/07 3:10 PM
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date 4/9/2007
 Agency Department of Law

Rep. Andrea Doll

From: Frank Ameduri
Sent: Thursday, March 22, 2007 2:46 PM
To: Frank Ameduri
Subject: PRESS RELEASE -- BILL WOULD HELP PROTECT VICTIMS OF ABUSE, ASSAULT
Attachments: Sponsor Statement- Shelter Bill.doc

PRESS RELEASE • March 22, 2007

Alaska State Legislature

Representative Andrea Doll (D-Juneau)

Web: <http://doll.akdemocrats.org> • Contact: Terry Harvey • Phone: 465-3744 • Fax: 465-2273
E-mail: rep.andrea.doll@legis.state.ak.us • Mail: State Capitol Bldg. Room 426, Juneau, AK 99801

BILL WOULD HELP PROTECT VICTIMS OF ABUSE, ASSAULT

Doll calls for maximum punishment for crimes at shelters

JUNEAU – Rep. Andrea Doll (D-Juneau) introduced legislation Wednesday that will make Alaskans in domestic violence and sexual assault shelters safer.

HB 213 will make it easier for courts to award the maximum sentence allowable for people convicted of committing a felony at a shelter or facility for victims of domestic violence or sexual assault.

The bill would also establish that the Legislature believes other crimes, such as trespassing, breaking and entering or assault committed at a shelter are more serious.

“A person living at a shelter for abuse victims deserves to be as safe and secure as possible,” Doll said. “These people are in a vulnerable state. The message we want to get out is simple: If you dare commit a crime at one of these facilities, you will potentially face the maximum punishment available.”

Crimes committed in shelters and safe houses in Alaska are unfortunately occurring in spite of the strict security provided by staff and local law enforcement officials. Peggy Brown, Director of the Alaska Network on Domestic Violence and Assault, supports this legislation.

“We have had incidents in Juneau and other parts of the state where an individual has come to a shelter to harm a resident,” Brown said. “We must do everything we can to make these shelters as safe as they possibly can be by punishing to the maximum those who violate the sanctity of a shelter for victims of abuse.”

“This legislation will not necessarily stop someone who is determined to do harm at a shelter,” Doll said. “But it will help our judicial system to better match the proper punishment to anyone who does so. Alaska has one of the worst situations in the nation when it comes to violence and sexual abuse, and we must continue to do everything we can to protect innocent Alaskans.”

STATE OF ALASKA
THE LEGISLATURE

2007

Source
HCR 3

Legislative
Resolve No.
3



Relating to proclaiming April of 2007 as Sexual Assault Awareness Month.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS sexual assault is one of the most devastating crimes in society today; and
WHEREAS Alaska has the highest per capita occurrence of sexual assault in the nation; and

WHEREAS sexual assault affects women, children, and men of all racial, cultural, and economic backgrounds; and

WHEREAS one out of six women has been raped; and

WHEREAS one out of 33 men has been sexually assaulted; and

WHEREAS the incidence of rape in Alaska is 2.5 times the national average; and

WHEREAS only one out of every six rapes is ever reported to law enforcement agencies, making rape the most underreported violent crime in America; and

WHEREAS child sexual abuse results in exceptional trauma to the victims and in the loss of childhood innocence; and

WHEREAS these statistics do not include the countless numbers of family members, loved ones, co-workers, and neighbors affected by the devastating crime of sexual assault; and

WHEREAS many residents of Alaska work to provide quality services and assistance to sexual assault survivors; dedicated volunteers and professionals respond to emergency calls 24 hours a day, 365 days a year, offering support, comfort, and advocacy throughout all stages of the recovery process, including medical examinations and criminal proceedings; and

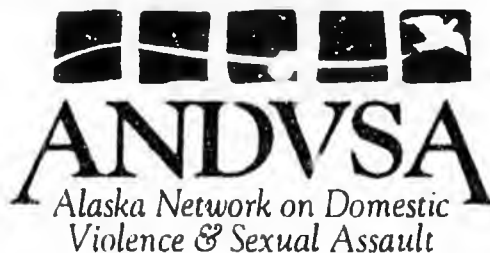
WHEREAS building awareness that sexual assault is a problem in every Alaska community and that alerting the public to services that can help victims and loved ones of victims of sexual assault is a crucial component to addressing the issue; and

WHEREAS it is our goal to improve Alaska's response to sexual assault and to support and enhance educational efforts to provide information about sexual assault and the services available to victim survivors and their loved ones;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the governor to proclaim the month of April 2007 as Sexual Assault Awareness Month; and be it

FURTHER RESOLVED that the Alaska State Legislature urges secondary schools, community organizations, and other public and private agencies and individuals to observe Sexual Assault Awareness Month with suitable activities that increase public awareness of the prevalence of sexual assault and how it can be combated in Alaska.

Juneau Office
130 Seward St #209
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org



Sitka Office
PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

March 20, 2007

The Honorable Representative Andrea Doll
State House
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Doll:

The Alaska Network on Domestic Violence & Sexual Assault is a coalition of member shelter and community based programs across the state who provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to offer you our full support for the Safe Shelter Legislation – An act which will make it an aggravating factor at sentencing if a person breaks into a shelter/safe home for victims of domestic violence and sexual assault.

We appreciate your guidance and leadership in addressing this matter. It speaks to the fact that Alaska is willing to get tough on those who perpetrate violence and terroristically threaten victims. We cannot merely be informed by the statistic that we are number one in the entire nation for forcible sexual assaults and men murdering women; we must act. We must provide our courts with tools to deter violent offenses and hold offenders accountable.

If I can be of further service to your endeavors, please let me know.

Sincerely,

Peggy Brown, Executive Director
ANDVSA

Cc: Saralyn Tabachnick, AWARE

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE
Fairbanks IAC Homer SPHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC
Kotzebue MFCC Nome BSWG Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

Several years ago, a man attempted to break into the shelter. I held the door shut until the police arrived.
Barrow, Arctic Women in Crisis (AWIC)

We had an incident where a father came and took two of his three children. He made a dash to Fairbanks with the two children. We went to court and got a restraining order that ordered him to return the children. We now have security doors on our offices and locking security doors for after hours.

Seward, Seaview Community Services (SCS)

We had our building and offices broken into twice last year. The perpetrators were looking specifically for money but the women and children in house were re-traumatized.

Janet Ahmasuk

Nome, Bering Sea Women's Group (BSWG)

We have had people attempt to break in - I can remember at least 5 times in the last 7 years someone has been forcefully trying to get in - Law Enforcement considered it "trespassing" since they didn't get in the door.

Fairbanks, Interior Alaska Center for Non-Violent Living (IAC)

TWC's only incidences have occurred when someone waits outside in the parking lot or street OR on two occasions have waited for someone exiting and then grabbed the door and come in. We're fortunate that under threat of police being called, the perpetrators have left without further incident.

Bethel, Tundra Women's Coalition (TWC)

Tanana Chiefs Conference

Chief Peter John Tribal Building

122 First Avenue, Suite 600

Fairbanks, Alaska 99701-4897

(907) 452-8251 Fax: (907) 459-3850

SUBREGIONS

UPPER

KASKOKWIM

McGrath

Medfra

Nikolai

Takolna

Tekla

April 17, 2007

LOWER YUKON

Anvik

Grayling

Holy Cross

Shageluk

The Honorable Senator Bettye Davis

State Senate

Alaska State Capitol

Juneau, AK 99801-1182

UPPER TANANA

Dof Lake

Eagle

Healy Lake

Northway

Lunacross

Tellin

Tot

The Tanana Chiefs Conference (TCC) strongly supports the letter and intent of SB 150. Over the years, tribal leaders of the Interior Alaska villages have passed numerous resolutions at TCC's Annual Convention focusing on the need to provide safety to residents of rural Alaska. Unfortunately women and other victims of domestic violence who reside in Alaska's rural communities have nowhere near the access to the protection and services afforded other Alaskan citizens who reside in the state's more metropolitan areas. Many victims of domestic violence living in the remote villages of the Interior rely on local safe homes which have been established through federal funding obtained by their tribal governments under the Family Prevention and Services Act. Local individuals who work with their tribal government to provide a safe place for victims of domestic violence do so with the knowledge that they have little or no back-up from state law enforcement and only limited support from its judicial system in the event that a perpetrator elects to violate the haven they provide to victims and children. SB 150 is a step in the right direction and at very least sends a strong message that the consequences for felonious acts perpetrated at a shelter or safe home can and should be based on what they really are- escalated acts of violence which can result in harsher penalties.

YUKON FLATS

Arctic Village

Beaver

Birch Creek

Canyon Village

Chalkyitsik

Circle

Fort Yukon

Verette

YUKON

KOYUKUK

Galena

Huslia

Katlag

Koyukuk

Nulato

Ruby

For justice and the protection of victims of domestic violence, their children and the shelter staff and courageous rural residents who open their hearts and homes to provide safe havens throughout the state, the Tanana Chiefs Conferences strongly supports SB 150.

Sincerely,

TANANA CHIEFS CONFERENCE

Jerry Isaac, President

YUKON TANANA

Alaina

Alakatul

Evansville

Fairbanks

Hughes

Lake

Minchumina

Manley Hot

Springs

Minto

Nenana

Rampart

Stevens Village

Tanana



State of Alaska
Department of Public Safety
Council on Domestic Violence & Sexual Assault

Sarah Palin, Governor
Walt Monegan, Commissioner

April 17, 2007

Representative Andrea Doll
State Capitol, Room 426
Juneau, Alaska 99801

Dear Representative Doll:

The Council on Domestic Violence and Sexual Assault supports HB 213, "An Act relating to an aggravating factor at sentencing for crimes committed at certain shelters and facilities". We welcome legislation that addresses strong accountability for individuals committing crimes at domestic violence shelters and programs.

Over 65,000 nights of safe shelter were provided to victims of domestic violence and/or sexual assault last year by Council-funded programs in Alaska. The thousands of victims served are primarily women and children who were not safe in their own homes.

Domestic violence crimes are always serious. Commission of the crime at a facility where people have gone seeking safe shelter is particularly offensive. The perpetrators of such crimes should be held accountable by being subject to a higher penalty at sentencing.

Thank you introducing this legislation to enhance safety services in Alaska for victims of interpersonal violence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Ashenbrenner".

Chris Ashenbrenner
Interim Program Administrator

Effective dates. — Section 1, ch. 19, SLA, which enacted this section, became effective July 20, 2004.

Article 6. General Provisions.

Section 18.66.990. Definitions

Sec. 18.66.900. Definitions. [Repealed, § 72 ch 64 SLA 1996.]

Sec. 18.66.990. Definitions. In this chapter,

- (1) "council" means the Council on Domestic Violence and Sexual Assault;
- (2) "crisis intervention and prevention program" means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;
- (3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:
 - (A) a crime against the person under AS 11.41;
 - (B) burglary under AS 11.46.300 — 11.46.310;
 - (C) criminal trespass under AS 11.46.320 — 11.46.330;
 - (D) arson or criminally negligent burning under AS 11.46.400 — 11.46.430;
 - (E) criminal mischief under AS 11.46.475 — 11.46.486;
 - (F) terrorist threatening under AS 11.56.807 or 11.56.810;
 - (G) violating a protective order under AS 11.56.740(a)(1); or
 - (H) harassment under AS 11.61.120(a)(2) — (4);
- (4) "domestic violence program" means a program that provides services to the victims of domestic violence, their families, or perpetrators of domestic violence;
- (5) "household member" includes
 - (A) adults or minors who are current or former spouses;
 - (B) adults or minors who live together or who have lived together;
 - (C) adults or minors who are dating or who have dated;
 - (D) adults or minors who are engaged in or who have engaged in a sexual relationship;
 - (E) adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law;
 - (F) adults or minors who are related or formerly related by marriage;
 - (G) persons who have a child of the relationship; and
 - (H) minor children of a person in a relationship that is described in (A) — (G) of this paragraph;
- (6) "judicial day" means any Monday through Friday that is not a state holiday and on which the court clerk's offices are officially opened to receive legal documents for filing;
- (7) "local community entity" means a city or borough or other political subdivision of the state, a nonprofit organization, or a combination of these;
- (8) "petitioner" includes a person on whose behalf an emergency protective order has been requested under AS 18.66.110(b);
- (9) "sexual assault" means a crime specified in AS 11.41.410 — 11.41.450;
- (10) "sexual assault program" means a program that provides services to the victims of sexual assault, their families, or perpetrators of sexual assault. (§ 33 ch 64 SLA 1996; am § 75 ch 21 SLA 2000; am § 20 ch 92 SLA 2002; am § 6 ch 87 SLA 2003)

- Solicitation
- Conspiracy

CS FOR HOUSE BILL NO. 213(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

- Felony weapons offenses

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES DOLL, Coghill, Kerttula, Lynn, Nelson, Wilson, Gardner, Roses, Holmes, Gruenberg, Edgmon, Gara, Fairclough, Dahlstrom, Gatto, Crawford

- Applies to any felony offense
- Recognized shelter not all recognized by SOA. Added HESS.

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an aggravating factor at sentencing for crimes committed at certain**
2 **shelters and facilities."**

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

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

5 (34) the defendant committed the offense on the premises of a
6 recognized shelter or facility providing services to victims of domestic violence or
7 sexual assault.

8 *** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 **APPLICABILITY.** This Act applies to offenses committed on or after the effective
11 date of this Act.