

HB

307

LEGAL SERVICES

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

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State Capitol
Juneau, Alaska 99801-1182
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MEMORANDUM

January 30, 2008

SUBJECT: Constitutionality of Three Strikes Penalties for Domestic Violence Offenders under *Blakely v. Washington* (HB 307) (Work Order No. 25-LS1236E)

TO: Representative Lindsey Holmes

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have asked if sec. 2 of HB 307, which enhances penalties for misdemeanor domestic violence offenders¹ is constitutional under *Blakely v. Washington*, 540 U.S. 1174, 124 S. Ct. 1493, 158 L. Ed. 2d 75 (2004). In my opinion it is.

HB 307 provides that a person who commits a crime of domestic violence that is a misdemeanor crime against a person and the person has been previously convicted on two prior occasions of crimes involving domestic violence that are crimes against a person then the current offense becomes a class C felony and the person shall be sentenced for a class C felony. Obviously, to comply with *Blakely* a jury will need to find the necessary facts of the present offense, those being the various elements of the misdemeanor crime against a person with which the person is accused and the fact that the offense constituted a crime of domestic violence -- the victim of the offense was a household member with the accused.² We currently utilize a similar procedure for enhancing a felony sentence based upon the domestic violence aggravating factor.³ This

¹ A "three strikes" law for misdemeanor domestic violence offenses.

² Unless, of course, the accused waives having a jury decide these issues.

³ AS 12.55.155(c)(18) provides:

(c) The following factors shall be considered by the sentencing court if proven in accordance with this section, and may allow imposition of a sentence above the presumptive range set out in AS 12.55.125:

(18) the offense was a felony

(A) specified in AS 11.41 and was committed against a spouse, a former spouse, or a member of the social unit made up of those living together in the same dwelling as the defendant,

domestic violence aggravating factor must also be proved to the jury beyond a reasonable doubt.⁴ AS 12.55.155(f).

It is my opinion that proof of the existence of the two prior convictions in HB 307 can be done before a judge without a jury. *Blakely* does not require that proof of prior convictions be made by a jury but allows these decisions to be made by a judge.

Other than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt.

Blakely, supra, 124 S. Ct. at 2536, quoting *Apprendi v. New Jersey*, 530 U.S. 466, (2000) (emphasis added).⁵ See, also, *State v. Hermann*, 140 P.3d 895 (Alaska App. 2006); *Milligrock, supra*.

It can be argued that the decision to be made with regard to prior convictions in HB 307 goes beyond a mere finding that the previous convictions exist but requires a finding that the previous convictions were crimes involving domestic violence and it is this finding that must go to the jury. It is still my opinion that *Blakely* does not mandate this result. Other jurisdictions have held that findings by a judge that prior convictions that are otherwise derivative of a defendant's criminal history are not implicated by *Blakely*. *Carson v. State*, 813 N.E. 2d 1187 (Ind. Ct. App. 2004). Furthermore, that these prior convictions are crimes involving domestic violence can be established before the court solely by the record of conviction in at least some cases by the fact of the defendant's prior conviction and by observing that the defendant received an enhanced minimum sentence under AS 12.55.135(c) or (g)⁶ or if the aggravating factor in AS 12.55.155(c)(18) was applied.⁷

⁴ The Alaska Court of Appeals has previously found, in at least two cases, that failure to submit this aggravating factor to the jury is subject to a harmless error analysis and, where the evidence was undisputed that the victim and defendant lived in the same household or were spouses, that failure to submit the issue to a jury was harmless beyond a reasonable doubt. See, *Milligrock v. State*, 118 P.3d 11 (Alaska App. 2005) (lived in same household); *Cloyd v. State*, ___ P.3d ___, 2007 Alas. App. LEXIS 44 (Alaska App. 2007) (spouses).

⁵ *Blakely* built upon the decision in *Apprendi*, which required that a jury decide beyond a reasonable doubt that a hate crime law that increased the statutory maximum for an underlying offense applied to the defendant's conduct.

⁶ Factors that increase a minimum sentence or require imposition of a mandatory minimum sentence do not have to be submitted to a jury under *Blakely*.

Certainly this will not cover all possible prior offenses but will cover the most common assault in the fourth degree for which a mandatory minimum sentence is imposed under

Finally, in *Shepard v. United States*, 544 U.S. 13, 161 L. Ed. 2d 205, 125 S. Ct. 125⁹ (2005), the U.S. Supreme Court considered whether a judge may determine under federal law if a defendant's prior conviction for burglary was for a violent crime.⁸ Under federal law only some burglary offenses would satisfy this requirement, but it was not clear from the charging documents or from the conviction itself that Shepard's conviction was of the required type as Shepard had pled guilty to a generic form of burglary and there was nothing in the record to show that Shepard had admitted the facts that made his conviction "violent" for purposes of an enhanced sentence under federal law in his present case. The Court found that this decision had to be made by the jury.

While the disputed fact here can be described as a fact about a prior conviction, it is too far removed from the conclusive significance of a prior judicial record, and too much like the findings subject to *Jones and Apprendi*, to say that *Almendarez-Torres* clearly authorizes a judge to resolve the dispute. The rule of reading statutes to avoid serious risks of unconstitutionality [citation omitted] therefore counsels us to limit the scope of judicial factfinding on the disputed generic character of a prior plea, just as *Taylor* constrained judicial findings about the generic implication of a jury's verdict.

Shepard, 544 U.S. at 25 - 26. In light of *Shepard*, even if my opinion that *Blakely* does not apply to findings concerning these prior offenses is incorrect it still does not follow that HB 307 is unconstitutional. There is nothing in HB 307 that prevents the jury from deciding if the victim of these prior offenses was a household member of the offender. There is no reason to think that the prosecutors and the courts will not be able apply this sentencing provision. Submitting the issue of whether the victim of the prior offenses was a household member with the accused would clearly be constitutional under *Blakely* and *Shepard* and while it may not be entirely beneficial to defendants, as the jury may hear evidence of their prior crimes which may not endear the jury to them, there is nothing in HB 307 that prevents the Department of Law and the Alaska Court System from applying HB 307 in this manner if that is what the Department of Law and the courts think that *Blakely* requires.^{9, 10}

AS 12.55.135. In other situations, if *Blakely* applies, the issue of whether these prior offenses were committed against a household member (and therefore are crimes involving domestic violence) could be submitted to the jury.

⁸ This finding increased the maximum sentence that may be imposed on the defendant.

⁹ That HB 307 does not set forth the specific procedures to be utilized with regard to these prior convictions also does not imply unconstitutionality, or that the bill is lacking in any way, as the legislature has also not set forth the procedure to be utilized for those aggravating factors that must be proven to a jury under AS 12.55.155(f). Instead the

A wholly different approach would be to create a different type of enhancement for a current domestic violence offense.¹¹ For example, we could provide that a person who commits a misdemeanor crime of domestic violence shall be sentenced as a class C felon if the person has two prior convictions for any of various felonies or misdemeanors that could constitute domestic violence and that are crimes against persons under AS 11.41.¹² Then we could set up a procedure to allow the judge to not sentence the person as a felon (and only impose the normal misdemeanor penalty for the offense) if the defendant shows the prior convictions were not crimes of domestic violence. There is authority for this approach that places the burden of proof on the defendant.

Apprendi, however, does not apply to the trial court's discretionary decision . . . to strike a prior conviction. . . . *Apprendi* carved out a "narrow exception" for sentence enhancements based on "the fact of a prior conviction." The *Almendarez-Torres* exception was not altered by *Blakely*. . . .

Because the sentence enhancement was based on Stevenson's four prior convictions, the calculation of his sentence falls within the *Almendarez-Torres* exception to *Apprendi*. Furthermore, because the trial judge's

legislature said that those factors "shall be presented to a trial jury under procedures set by the court." AS 12.55.155(f)(2).

¹⁰ The *Shepard* Court considered something similar to this and said:

The dissent charges that our decision may portend the extension of *Apprendi v. New Jersey*, 530 U.S. 466, 147 L. Ed. 2d 435, 120 S. Ct. 2348 (2000), to proof of prior convictions, a move which (if it should occur) "surely will do no favors for future defendants in Shepard's shoes." *Post*, at 38, 161 L. Ed. 2d, at 225. According to the dissent, the Government, bearing the burden of proving the defendant's prior burglaries to the jury, would then have the right to introduce evidence of those burglaries at trial, and so threaten severe prejudice to the defendant. It is up to the future to show whether the dissent is good prophesy, but the dissent's apprehensiveness can be resolved right now, for if the dissent turns out to be right that *Apprendi* will reach further, any defendant who feels that the risk of prejudice is too high can waive the right to have a jury decide questions about his prior convictions.

Shepard, 544 U.S. at 26.

¹¹ An enhancement that is a hybrid between the approach used in HB 323, the Governor's crime bill, and HB 307.

¹² Crimes involving domestic violence are listed in AS 18.66.990(3).

Representative Lindsey Holmes
January 30, 2008
Page 5

consideration of evidence not proved to the jury constituted a discretionary decision not to decrease Stevenson's sentence, *Apprendi* is inapposite. Finding a defendant to be outside the "spirit" of the Three Strikes law is a mitigating factor in sentencing, rather than a prerequisite to imposing an enhanced sentence. Thus, the trial judge's consideration of facts not proved to a jury did not offend Stevenson's constitutional rights under *Apprendi*. . . .

Stevenson v. Lewis, 2004 U.S. App. LEXIS 22511 (9th Cir. Oct. 28, 2004)

GPL:ljw
08-047.ljw



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Rep. Mike Doogan
Room 112
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Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: February 8, 2008

To: Representative Kevin Meyer
Co-Chair House Finance Committee

From: Representative Jay Ramras
Chair House Judiciary Committee

Re: Referral file for HB 307

Attached please find the following documents:

- Sponsor Statement
- HB 307 (25-LS1236\E)
- Sectional Analysis
- Fiscal Notes
 - COR – Ind.
 - ADM – Ind.
 - ADM – Ind.
- Support
- Legal memo
- HJUD Committee Report



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ALASKA STATE LEGISLATURE



REPRESENTATIVE LINDSEY HOLMES
REPRESENTATIVE NANCY DALHSTROM
REPRESENTATIVE ANNA FAIRCLOUGH
REPRESENTATIVE LES GARA
REPRESENTATIVE JOHN HARRIS
REPRESENTATIVE CRAIG JOHNSON
REPRESENTATIVE BOB BUCH
REPRESENTATIVE ANDREA DOLL

House Bill 307: "Three Domestic Violence Strikes: 3rd misdemeanor conviction will be charged as a felony."

Sponsor Statement

Alaska domestic violence rates are one of the highest in the country. Alaska currently has the highest per capita for female homicide death by a male perpetrator. This continuing cycle of violence needs to stop. Additionally, serious domestic violence cases are sometimes pled down to misdemeanors.

House Bill 307 (HB 307) seeks increased penalties for repeat offenders by making a third misdemeanor case a felony. This bill is narrowly crafted to only pertain for crimes against a person involving domestic violence. These repeat offenders will be subject to a felony charge after their first two misdemeanors. This penalty will act as deterrent for those persons who are repeat offenders. There needs to be a serious deterrent to stop the cycles of violence that are killing our communities.

Domestic Violence harms everyone in a community, not just the victims. Increasing penalties for the offenses is just one part of the solution. According to the National Coalition Against Domestic Violence boys who witness domestic violence are twice as likely to abuse as adults.

Please do not hesitate to contact us if you have any questions or if you need additional information.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LINDSEY HOLMES
REPRESENTATIVE NANCY DALHSTROM
REPRESENTATIVE ANNA FAIRCLOUGH
REPRESENTATIVE LES GARA
REPRESENTATIVE JOHN HARRIS
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REPRESENTATIVE ANDREA DOLL

House Bill 307: "Three Domestic Violence Strikes: 3rd misdemeanor conviction will be charged as a felony."

Sectional Analysis

Section 1. Adds intent language that establishes the defendant in a domestic violence case subject to an enhanced penalty must be the perpetrator of the crime and not an innocent victim of domestic violence.

Section 2. Adds Chapter 21 to Alaska Statutes that establishes a new policy regarding repeat domestic violence misdemeanor crimes. When a person has been previously convicted on two or more separate occasions the third or next domestic violence crime is increased to a class C felony and the perpetrator is subject to the penalty for such.

Section 3. This section establishes that the new statute will not be applied to previous domestic violence convictions, but previous domestic violence convictions will count as "strikes" for any domestic violence crime committed on or after the effective date.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HB307-DOC-DO-02-06-08
 () Publish Date: _____

Identifier (file name): HB307-DOC-DO-02-06-08 Dept. Affected: Corrections
 Title: "Act relating to penalizing certain misdemeanor domestic violence offenses as felonies." RDU: Population Management
 Sponsor: Representatives Holmes, Gara, Dahstrom, Fairclough, Johnson, Component: Institution Directors Office
 Requester: House Judiciary Component Number: 524

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
Miscellaneous
TOTAL OPERATING

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 Interagency Receipts	.	.	.	.	.	.	.	.
TOTAL	.	.	.	.	.	.	.	.

Estimate of any current year (FY2008) cost: 00

POSITIONS

Full-time	0	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The department anticipates approximately 1 - 3 offenders would be sentenced for a class C felony as a result of this legislation. This has an estimated impact of 2 - 6 beds annually. The potential cost associated with housing these offenders would range from \$62,050 to \$186,150 annually.

One additional Adult Probation Officer position with support costs will be necessary when the total crime legislation increases the offender population by 80. The estimated cost for each required position is \$85,600.

Prepared by: Sharleen Griffin, Director Phone: (907) 465-3339
 Division: Administrative Services Date/Time: 2/6/08 5:23 PM
 Approved by: Dwayne Peoples, Deputy Commissioner Date: 2/6/2008
Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number _____
Bill Version: HB 307
() Publish Date _____

Identifier (file name) HB307-DOA-PDA-2-06-08 Dept Affected: Administration
Title "An Act relating to penalizing certain misdemeanor domestic violence offenses as felonies" RDU Legal and Advocacy Services
Sponsor Representative Holmes Component Public Defender Agency
Requester _____ Component Number 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	*	0.0	*	*	*	*	*	*
Travel	*	0.0	*	*	*	*	*	*
Contractual	*	0.0	*	*	*	*	*	*
Supplies	*	0.0	*	*	*	*	*	*
Equipment	*	0.0	*	*	*	*	*	*
Land & Structures	*	0.0	*	*	*	*	*	*
Grants & Claims	*	0.0	*	*	*	*	*	*
Miscellaneous	*	0.0	*	*	*	*	*	*
TOTAL OPERATING	*	0.0	*	*	*	*	*	*

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	*	0.0	*	*	*	*	*	*
1003 GF Match	*	0.0	*	*	*	*	*	*
1004 GF	*	0.0	*	*	*	*	*	*
1005 GF/Program Receipts	*	0.0	*	*	*	*	*	*
1037 GF/Mental Health	*	0.0	*	*	*	*	*	*
Other Interagency Receipts	*	0.0	*	*	*	*	*	*
TOTAL	*	0.0	*	*	*	*	*	*

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This bill elevates a misdemeanor conviction for any crime against a person under A.S. 11.41 to a C felony if the person has been previously convicted on two or more separate occasions of crimes involving domestic violence. The bill is expected to have a fiscal impact on the Agency, however, the data necessary to estimate the fiscal impact is not currently available. The Agency, therefore, submits an indeterminate fiscal note.

Prepared by Quinlan Steiner, Director
Division Public Defender Agency
Approved by Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-334-4414
Date/Time 2/6/08 11:00 AM
Date 2/6/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number _____
Bill Version: HB 307
() Publish Date: _____

Identifier (file name) HB307-DOA-OPA-2-5-08 Dept. Affected Administration
Title "An Act relating to penalizing certain misdemeanor domestic violence offenses as felonies" RDU Legal and Advocacy Services
Sponsor Reps. Holmes, Gara, Dahlstrom, Fairclough, Johnson et al Component Office of Public Advocacy
Requester _____ Component Number 43

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	*	0.0	*	*	*	*	*
Travel	*	0.0	*	*	*	*	*
Contractual	*	0.0	*	*	*	*	*
Supplies	*	0.0	*	*	*	*	*
Equipment	*	0.0	*	*	*	*	*
Land & Structures	*	0.0	*	*	*	*	*
Grants & Claims	*	0.0	*	*	*	*	*
Miscellaneous	*	0.0	*	*	*	*	*
TOTAL OPERATING	*	0.0	*	*	*	*	*

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	*	0.0	*	*	*	*	*
1005 GF/Program Receipts	*	0.0	*	*	*	*	*
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	*	0.0	*	*	*	*	*

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This bill will convert misdemeanor crimes under AS 11.41 into C felonies, punishable by up to five years in prison, if the defendant is charged with a crime involving domestic violence and the defendant has two or more prior convictions for crimes involving domestic violence under AS 11.41. Although the agency has been unable to get accurate estimates regarding how many new felonies this change in the law will produce, the number is likely to be significant. Therefore, the agency predicts that there will be a fiscal impact on OPA. Accordingly, the agency has submitted an indeterminate note.

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

Phone 907-269-3501
Date/Time 2/6/08 12:00 p.m.
Date 2/6/2008



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

Sarah Palin, Governor
Walter Monegan, Commissioner

February 8, 2008

Representative Lindsey Holmes
State Capitol, Room 405
Juneau, Alaska 99801-1182

Subject: Support for HB 307

Dear Representative Holmes and HB 307 Sponsors:

Thank you for introducing HB307, Domestic Violence Offenses, a bill that will hold the most serious repeat domestic violence offenders accountable for their actions.

We must turn the tide of Alaska's chronically high rates of interpersonal violence. To accomplish that, victims must be kept safe and perpetrators must know that they will be appropriately punished for their actions. We believe the legislation you propose sends a strong message that our state will not tolerate the levels of domestic violence that currently exist.

This bill's welcome message is that "serial battering" is a serious crime that Alaska will not accept. When repeat offenders are held to a higher standard of accountability, the message to both victims and perpetrators is that the recurrence of harm to an individual matters. We expect the classification of such behavior as a felony to act as a deterrent and, if not, then it would provide a heavier consequence to include prison time and oversight by Department of Corrections upon release.

As you probably know, as of 2005, at least 26 states have also taken a stand on this issue by enacting some type of enhanced penalty for repeat domestic violence offenders. We encourage Alaska to join them and appreciate the opportunity to support this legislation.

Sincerely,

Chris Ashenbrenner
Executive Director

"Public Safety through Public Service"

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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



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January 24, 2008

Representative Jay Ramras
House Judiciary Committee Chair
State Capitol
Juneau AK 99801-1182

Dear Representative Ramras:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for considering HB 307, an act relating to penalizing certain misdemeanor domestic violence offenses as felonies.

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

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

Sincerely,

Angella Long
State President



DOMESTIC VIOLENCE FACTS: ALASKA



DID YOU KNOW?

- ◊ One in every four women will experience domestic violence in her lifetime.¹ One in 33 men have experienced an attempted or completed rape.²
- ◊ An estimated 1.3 million women are victims of physical assault by an intimate partner each year.³
- ◊ The majority (73%) of family violence victims are female. Females were 84% of spousal abuse victims and 86% of abuse victims at the hands of a boyfriend.⁴
- ◊ The cost of intimate partner violence exceeds \$5.8 billion each year. \$4.1 billion of which is for direct medical and mental health services.⁵
- ◊ Boys who witness domestic violence are *twice as likely* to abuse their own partners and children when they become adults.⁶

CHALLENGES

- The extreme remoteness of many Alaskan communities, (including travelling to access services), remains the major obstacle to providing services to victims in these areas.
- Alaska's statistics on violence against women are among the highest in the nation. Local programs are in dire need of more funding to serve the sheer volume of victims that seek their services.

STATEMENTS FROM SERVICE PROVIDERS

"We are operating on a minimal basis. We have the minimum number of staff to get the job done. We have very little money for program supplies, travel, training, and outreach to the villages. We have been doing more for less for so long its hard to remember what it would look like to have enough."

-Advocate, Sitkans Against Family Violence⁹

"Increases wouldn't just be nice for programs, they are imperative for them to keep up with utility costs. We have diversified funding sources to the nth degree and overall still have fewer position [to provide victim services] than we did 3 years ago, 5 years ago, 8 years ago."

-Advocate, Tundra Women's Coalition⁹

DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN ALASKA

- Almost 75% of Alaskans have experienced or know someone who has experienced domestic violence or sexual assault.⁷
- There were over 6,000 reported cases of domestic violence in Alaska in 2005.⁷
- 524 forcible rapes were reported in Alaska in 2005, representing almost 13% of all violent crimes.⁸
- The Alaska rape rate is 2.5 times the national average.⁷
- Child sexual assault in Alaska is almost six times the national average.⁷
- Alaska has the highest rate per capita of men murdering women.⁷
- Almost 30% of Alaskans were not able to access victim services or encourage others to do so because there were no services available in their area at the time.⁷
- Almost 90% of Alaskans would vote to increase funding for victim service programs, and over 90% would support increased penalties for domestic violence and sexual assault perpetrators.⁷

STATE RESOURCES

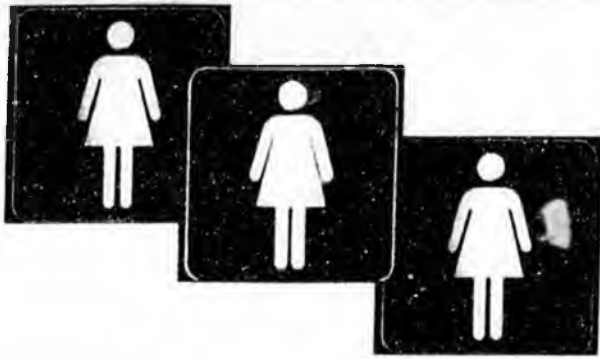
Alaska Network on Domestic Violence
and Sexual Assault
www.andvsa.org

- ◊ The Network is a non-profit membership organization that is composed of 21 programs across Alaska. The 21 programs provide victim services for domestic violence and sexual assault, offender services, and crisis intervention services. The Network exists to promote communication and information sharing between programs across the state and to expose and eliminate interpersonal violence in the lives of Alaskan victims.

For more information or to get help, please visit
<http://www.andvsa.org/programs/programs.htm>
to get local program and hotline information.

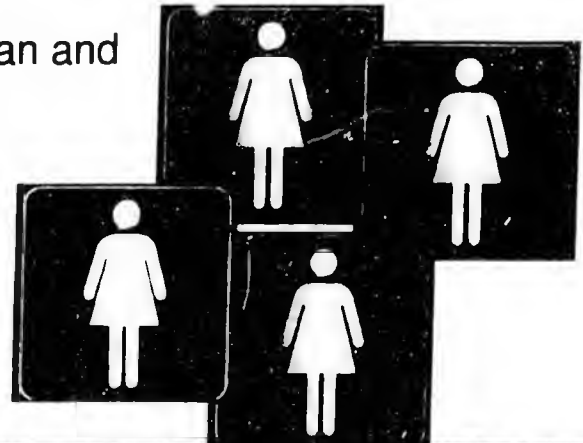
The National Domestic Violence Hotline at 1-800-799-SAFE
The National Sexual Assault Hotline at 1-800-656-HOPE

American Indian and Alaska Native Women



More than 1 out of every 3 American Indian and Alaska Native women will be raped in her lifetime.¹

More than 3 out of every 4 American Indian and Alaska Native women will be physically assaulted in her lifetime.¹



When Men Murder Women¹⁰

Alaska ranks **first in the nation** with the highest homicide rate for female victims killed by a male perpetrator.¹

Number of Females Murdered by Males in Single Victim/Single Offender Homicides and Rates by State in 2003, Ranked by Rate

Ranking	State	Homicide Rate per 100,000
1	Alaska	2.87
2	Nevada	2.64
3 (tie)	Louisiana	2.42
3 (tie)	New Mexico	2.42
5	Tennessee	2.38

SOURCES

- ¹ Tjaden, P. & Thoennes, N. (2000). *Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey*. National Institute of Justice and the Centers for Disease Control and Prevention.
- ² U.S. Department of Justice. (November 1998). "Prevalence, Incidence, and Consequences of Violence Against Women."
- ³ Centers for Disease Control and Prevention. (2003). *Costs of Intimate Partner Violence Against Women in the United States*. Atlanta, GA: National Centers for Injury Prevention and Control.
- ⁴ Bureau of Justice Statistics. (June 2005). *Family Violence Statistics*. U.S. Department of Justice.
- ⁵ Centers for Disease Control and Prevention. (2003). *Costs of Intimate Partner Violence Against Women in the United States*. Atlanta, GA: National Centers for Injury Prevention and Control.
- ⁶ Strauss, Gelles, & Smith. (1990). *Physical violence in American Families: Risk Factors and Adaptations to Violence in 8,145 Families*. Transaction Publishers.
- ⁷ Alaska Network on Domestic Violence and Sexual Assault. (2006). 2006 Annual Report: Working in Alaska Communities For Safety, Justice, Advocacy and Education. Violence Prevention. Juneau, Alaska.
- ⁸ Alaska Department of Public Safety. (2005). Crime Reported in Alaska, 2005. Uniform Crime Reporting Program. Accessed November 29, 2007 at http://www.dps.state.ak.us/UCR/Docs/UCR_2005.pdf
- ⁹ Alaska Network on Domestic Violence and Sexual Assault. (December 2005). Alaska Program Directors Report How They Are Coping With Inadequate Funding. Accessed November 29, 2007 at <http://www.andvsa.org/pdfs/December%202005%20Quotes%20from%20Directors.pdf>
- ¹⁰ Violence Policy Center. (September 2005). When Men Murder Women. Accessed November 29, 2007 at <http://www.vpc.org/studies/wmmw2005.pdf>



The Public Policy Office of the National Coalition Against Domestic Violence (NCADV) is a national leader in the effort to create and influence Federal legislation that positively affects the lives of domestic violence victims and children. We work closely with advocates at the local, state and national level to identify the issues facing domestic violence victims, their children and the people who serve them and to develop a legislative agenda to address these issues. NCADV welcomes you to join us in our effort to end domestic violence.