

**HB**

**133**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 MAY 09 2007  
 SENATE FINANCE COMMITTEE

DATE: 5/1/07

FURTHER:

 DATE TURNED IN TO OFFICE: 9 May 2007

Finance Committee considered CS FOR HOUSE BILL NO. 133(FIN)

## HB 133 ELECTRONIC MONITORING OF GANG PROBATIONER

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

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

**SENATE BILL:**  
 Same Title  
 New Title

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**HOUSE BILL:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

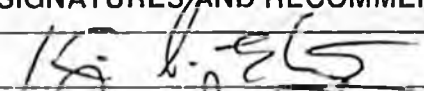

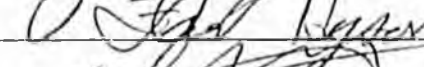
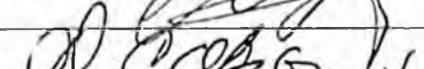

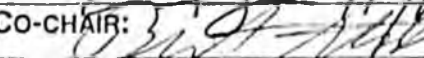

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
Law	2/16/07			✓	#1
Admin	3/26/07		*		#2
Corrections	3/13/07		*		#3
Courts	2/22/07		*		#4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Dyson	✓			
	Huggins	✓			
	Olson	✓			
CO-CHAIR: 	Hoffman	✓			
CO-CHAIR: 	Stedman	✓			

# FISCAL NOTE

REPORTED OUT  
 MAY 09 2007  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
 2007 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: CSHB 133(JUD)  
 (H) Publish Date: 3/27/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title: An Act relating to electronic monitoring of gang RDU: Criminal  
probationers. 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>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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

REPORTED OUT  
MAY 09 2007  
SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 133(JUD)  
(H) Publish Date: 3/27/2007

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>						
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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>	.	.	.	.	.	.

Estimate of any current year (FY2007) cost: 00  
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 Phone: 907-269-3501  
Division: Office of Public Advocacy Date/Time: 3/26/07 9:00AM  
Approved by: Rachael Petro, Deputy Commissioner Date: 3/20/07 9:30AM  
Agency: Administration

COMMITTEE COPY

# FISCAL NOTE

REPORTED OUT  
MAY 09 2007  
SENATE FINANCE COMMITTEE

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

Fiscal Note Number: 3  
Bill Version: CSHB 133(JUD)  
(H) Publish Date: 3/27/07

Revision 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>	.	.	.	.	.	.
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<b>CHANGE IN REVENUES (1156)</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 (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 Phone: (907) 465-3339  
Division: Administrative Services Date/Time: 3/13/07 1:44 PM  
Approved by: Dwayne Peoples, Deputy Commissioner Date: 3/13/2007  
Agency: Department of Corrections

FISCAL NOTE #3

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. CSHB 133(JUD)

**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 fit under 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 (ISSP)</u>	<u>PASSIVE GPS (ISSP)</u>	<u>PASSIVE GPS (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>
Revenues (Receipt Services)	\$27,988.20	\$37,317.60	\$74,635.20
General Funds	\$157,269.55	\$164,821.40	\$195,028.80

# FISCAL NOTE

REPORTED OUT  
**MAY 09 2007**  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: 4  
 Bill Version: CSHB 133(JUD)  
 (H) Publish Date: 3/27/07

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>						
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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>	.	.	.	.	.	.

Estimate of any current year (FY2007) cost: 00

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  
 Division: Alaska Court System  
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director  
 Agency: Alaska Court System

Phone: 463-4750  
 Date/Time: 2/22/07 2:30 PM  
 Date: 2/22/2007

# ALASKA STATE LEGISLATURE

*While in Session*  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4968  
Fax: (907) 465-2040



*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

### Differences between HB 133 and SB 89.

HB 133 is more narrowly focused than SB 89. Here are the key differences:

- SB 89 applies to offenders convicted of both misdemeanors and felonies
- HB 133 applies only to offenders convicted of felonies
- Because of this difference, HB 133 has a substantially lower fiscal note
  
- SB 89 allows offenders to replace prison time with electronic monitoring
- HB 133 does not allow offenders to replace prison time with electronic monitoring
  
- HB 133 has a sunset provision
- SB 89 has no sunset provision

Other items of note:

HB 133 gives the Dept of Corrections the receipt authority to collect funds from the offender to pay for the cost of electronic monitoring.

HB 133 is supported by the Dept. of Corrections and the Dept. of Law.



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

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 have been 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 / 907.465.2010 Fax

# ALASKA STATE LEGISLATURE

*While in Session*  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4968  
Fax: (907) 465-2040



*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

### Sectional Analysis CS HB 133 (FIN)

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

#### **Section 1:**

Amends AS 12.55.100 by adding a new section (f) that requires electronic monitoring (with GPS location and tracking ability) as a condition of probation, for people who have been convicted of proven gang-related offenses. The costs for the monitoring shall be paid by the offender, unless they are determined to be indigent. The offender who is put on electronic monitoring is not entitled to credit for time served in a correctional facility.

#### **Section 2:**

Amends AS 33.16.150 by adding a new subsection (g) that requires electronic monitoring (with GPS location and tracking ability) as a condition of parole, for people who have been convicted of proven gang-related offenses. The costs for the monitoring shall be paid by the offender, unless they are determined to be indigent. The offender who is put on electronic monitoring is not entitled to credit for time served in a correctional facility.

#### **Section 3:**

Repeals the electronic monitoring program established in this bill on December 31, 2012.



# Municipality of Anchorage

4501 Bragow Street • Anchorage, Alaska 99507-1599 • Telephone (907) 780-6500 • <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*



# FAIRBANKS POLICE DEPARTMENT

911 Cushman Street  
Fairbanks, AK 99701-4616  
Phone: (907) 450-6500  
Fax: (907) 452-1588  
Email: 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