

SB

265

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/4/08

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SENATE BILL NO. 265

SB 265 SEX OFFENDERS & CHILD KIDNAPPERS

"An Act relating to drivers' licenses and identification cards issued to sex offenders and child kidnappers."
and recommends:

- be replaced with SCS or CS 265 (FIN)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/> Same Title	
<input checked="" type="checkbox"/> New Title	
<hr/>	
HOUSE BILL:	
<input type="checkbox"/> Same Title	
<input type="checkbox"/> Technical Title Change	
<input type="checkbox"/> New Title w/ SCR # _____	

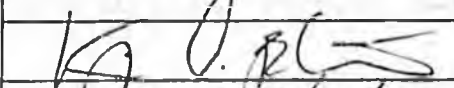

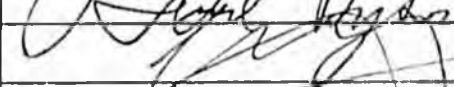


NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	3/10/08			✓	
DOR	3/19/08	✓			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	3/4/08	✓			2
DOC	2/15/08			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Dyson	✓			
	Williams	✓			
CO-CHAIR:					
	STEINMAN	✓		✓	

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 265(TRA)
(S) Publish Date: 3/3/08

Identifier (file name): SB265-DOC-OC-2-15-08 Dept. Affected: Corrections
Title: "An Act relating to drivers' licenses and identification cards issued to sex offenders and child kidnappers." RDU: Administration and Operations
Sponsor: Senator McGuire Component: Office of the Commissioner
Requester: Senate Transportation Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	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	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

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

Phone: (907) 465-3339
Date/Time: 2/15/08 2:13 PM
Date: 2/15/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 265(TRA)
(S) Publish Date: 3/4/08

Identifier (file name): SB265CS(TRA)-DPS-R&I-03-04-08 Dept. Affected: Public Safety
Title: "An Act relating to the payment of permanent fund dividends to certain individuals required to register as sex offenders..." RDU: Statewide Support
Sponsor: Senator McGuire Component: Records & Identification
Requester: Senate State Affairs Committee Component Number: 1190

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services							
Travel							
Contractual	38.0						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	38.0	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	38.0						
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	38.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

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

This legislation would delay payment of an Alaska Permanent Fund Dividend (PFD) to any person required to register as a sex offender or child kidnapper under AS 12.63 who is noncompliant with the registration requirements under that chapter until they become compliant and provide proof of compliance to the Permanent Fund Dividend Division.

The most cost effective method of implementing the requirements of this legislation involves the use of a file of PFD data currently available to the Department of Public Safety (DPS) as a download and used for sex offender address verification. Sex offender address verification is currently done manually on an exception basis. (Continued)

Prepared by: David Schade, Director
Division: Statewide Services
Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone: (907) 269-0202
Date/Time: 3/4/08 7:53 AM
Date: 3/4/2008

FISCAL NOTE # 2

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 265(TRA)

ANALYSIS CONTINUATION

To facilitate the volume of PFD records (up to 700,000) matched to registered sex offenders, the PFD data would be loaded into a database where automated matching will be done, on a scheduled or on a request basis, of PFD applicants to those registered sex offenders who are noncompliant.

A file of matches (estimated ~ 300) will be returned to the PFD division for the scheduled or on request runs. The PFD division will handle the delay of dividends and notification to the affected party.

The estimated cost for DPS system modifications is \$38,000 and is broken down as follows:

Setup database to receive PFD data - 25 hours x \$100/hr = \$2,500
Process to move the PFD data to the DPS database - 35 hours x \$100/hr = \$3,500
Develop routines to do the matching (name, SSN, DOB etc.) - 40 hours x \$100/hr = \$4,000
Establish process for review/edit before sending results to PFD - 30 hours x \$100/hr = \$3,000
Security analysis, implementation, verification (encryption etc) - 20 hours x \$100/hr = \$2,000
Initial and ongoing analysis and design - 60 hours x \$100/hr = \$6,000
Unit testing of processes - 40 hours x \$100/hr = \$4,000
Integration testing with DPS and DOA/PFD - 70 hours x \$100/hr = \$7,000
Technical reporting and Management oversight and review - 50 hours x \$120/hr = \$6,000

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB265(FIN)
() Publish Date: _____

Identifier (file name): CSSB265(FIN) DOR-PFD-3-19-08 Dept. Affected: DOR
Title: SEX OFFENDERS & CHILD KIDNAPPERS RDU: Permanent Fund Dividend Division
Component: Permanent Fund Dividend Division
Sponsor: Senator Mcguire
Requester: Senate Transportation Component Number: 981

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services	60.0	60.0	60.0	60.0	60.0	60.0	60.0
Travel							
Contractual	0.0						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	60.0	60.0	60.0	60.0	60.0	60.0	60.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1050 PFD Fund	60.0	60.0	60.0	60.0	60.0	60.0	60.0
TOTAL	60.0	60.0	60.0	60.0	60.0	60.0	60.0

Estimate of any current year (FY2008) cost: 00

POSITIONS

Full-time	1	1	1	1	1	1	1
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

Implementation of this provision will increase activity in essentially all of PFD's functional areas: Data Processing & Programming, Incoming mail, Keying, Imaging, Document linking, Outgoing mail, Public Response by (email, counter contacts & phone), Eligibility casework, Informal Appeals, Formal Hearing Appeals, Appeal Fee Handling, Payment, Training of Eligibility Staff.

Through efficiencies gained by the amendment to this bill allowing process servers to serve writs to PFD electronically, some of the impact of this bills implementation will be offset as 35,000 writs per year would not be received in paper form.

Prepared by: Debbie Richter
Division: Permanent Fund Dividend
Approved by: Jerry Burnett
Department of Revenue

Phone 465-4785
Date/Time 3/19/08 2:57 PM
Date 3/19/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. SB 265

ANALYSIS CONTINUATION

A PFD Technician II is requested. Eligibility Technicians at the journey level are responsible for public response through email, counter & phone contacts as well as eligibility case work including informal and formal hearing appeals.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS SB 265 (TRA)
() Publish Date: _____

Identifier (file name): SB265CS(TRA)-DOA-DMV-03-10-08 Dept. Affected: Administration
Title: "Payment of permanent fund dividends to sex offenders..." RDU: Division of Motor Vehicles
Component: Motor Vehicles
Sponsor: Sen. McGuire
Requester: (S) FIN Component Number: 2348

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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()	0.0						
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FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1156 Receipt Supported Services							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	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 does not involve the Division of Motor Vehicles. We are therefore submitting a zero fiscal note.

Prepared by: Kerry Hennings, Acting, Director
Division: Motor Vehicles
Approved by: Kevin Brooks, Deputy Commissioner
Department of Administration

Phone: 907-269-3770
Date/Time: 3/10/08 3 07 PM
Date: 3/10/2008

Adopted
3/17/08

WORK DRAFT

WORK DRAFT

WORK DRAFT

25-LS1449K
Cook
3/12/08

CS FOR SENATE BILL NO. 265()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR MCGUIRE

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the payment of permanent fund dividends to certain individuals
2 required to register as sex offenders or child kidnappers; relating to execution upon
3 permanent fund dividends by civilian process servers using electronic procedures;
4 amending Rule 89, Alaska Rules of Civil Procedure; and providing for an effective
5 date."

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

7 * Section 1. AS 43.23 is amended by adding a new section to read:

8 **Sec. 43.23.021. Delayed payment of certain dividends.** (a) Notwithstanding
9 other provisions regarding the payment of permanent fund dividends, if an individual
10 is required to register as a sex offender or child kidnapper under AS 12.63 and has not
11 registered or has not completed the required periodic verifications or notices required
12 under AS 12.63, payment of the dividend for that individual shall be delayed.

13 (b) If payment of a dividend is delayed, the department shall notify the

1 individual in writing of the delayed payment status, explain the requirements of this
2 section, and request proof of registration and compliance with the verifications and
3 notices required under AS 12.63. The dividend may not be paid unless, within one
4 year after the notification, the department determines that the individual has registered
5 and is in compliance with the verifications and notices required under AS 12.63.

6 (c) Notwithstanding other provisions, a permanent fund dividend that has not
7 become payable to an individual under this section is not subject to levy, execution,
8 garnishment, attachment, or any other remedy for the collection of debt until that
9 dividend becomes payable or is paid to the individual.

10 (d) If an individual for whom payment of a permanent fund dividend has been
11 delayed but remains payable under (b) of this section dies before the dividend is paid
12 or payable, the department shall pay the dividend to a personal representative of the
13 individual's estate.

14 (e) The department shall include notice with the dividend application form of
15 the requirements of (a) and (b) of this section.

16 * Sec. 2. AS 43.23.025(a) is amended to read:

17 (a) By October 1 of each year, the commissioner shall determine the value of
18 each permanent fund dividend for that year by

19 (1) determining the total amount available for dividend payments,
20 which equals

21 (A) the amount of income of the Alaska permanent fund
22 transferred to the dividend fund under AS 37.13.145(b) during the current year;

23 (B) plus the unexpended and unobligated balances of prior
24 fiscal year appropriations that lapse into the dividend fund under
25 AS 43.23.045(d);

26 (C) less the amount necessary to pay prior year dividends from
27 the dividend fund in the current year under AS 43.23.005(h), 43.23.021, and
28 43.23.055(3) and (7) [UNDER AS 43.23.055(3) AND (7)];

29 (D) less the amount necessary to pay dividends from the
30 dividend fund due to eligible applicants who, as determined by the department,
31 filed for a previous year's dividend by the filing deadline but who were not

1 included in a previous year's dividend computation;

2 (E) less appropriations from the dividend fund during the
3 current year, including amounts to pay costs of administering the dividend
4 program and the hold harmless provisions of AS 43.23.075;

5 (2) determining the number of individuals eligible to receive a
6 dividend payment for the current year and the number of estates and successors
7 eligible to receive a dividend payment for the current year under AS 43.23.005(h); and

8 (3) dividing the amount determined under (1) of this subsection by the
9 amount determined under (2) of this subsection.

10 * Sec. 3. AS 43.23.065(a) is amended to read:

11 (a) Except as provided in (b) of this section, 20 percent of the annual
12 permanent fund dividend payable to an individual is exempt from levy, execution,
13 garnishment, attachment, or any other remedy for the collection of debt. No other
14 exemption applies to a dividend. Notwithstanding other laws, a writ of execution upon
15 a dividend that has not been delivered to the debtor may be served on the
16 commissioner by

17 (1) certified mail, return receipt requested; or

18 (2) a civilian process server licensed by the commissioner of public
19 safety using electronic execution procedures, as provided under regulations
20 adopted by the department [UPON RECEIPT OF A WRIT BY CERTIFIED
21 MAIL, RETURN RECEIPT REQUESTED, THE COMMISSIONER SHALL
22 DELIVER THAT PORTION OF THE DIVIDEND EXECUTED UPON TO THE
23 COURT ALONG WITH THE CASE NAME AND NUMBER].

24 * Sec. 4. AS 43.23.065(d) is amended to read:

25 (d) An assignment of or levy, execution, garnishment, attachment, or other
26 remedy for the collection of debt applied to a dividend for a year may not be accepted
27 by the department before April 1 of that same year. AS 09.38.080(c) and 09.38.085 do
28 not apply to a levy on a permanent fund dividend. Upon receipt of a writ of
29 execution under (a) of this section or another court order, the commissioner shall
30 deliver to the court that portion of the dividend executed upon along with the
31 case name and number. [THE DEPARTMENT SHALL INCLUDE THE CASE

1 NUMBER WITH A DIVIDEND OR PORTION OF A DIVIDEND TRANSMITTED
2 TO THE COURT IN RESPONSE TO A WRIT OF EXECUTION OR OTHER
3 COURT ORDER.] At the time payment is made to the court, the department shall
4 send to the individual at the address provided in the individual's dividend application
5 and to the court that issued the writ or order a notice that contains

6 (1) notification that all or part of the individual's dividend has been
7 seized under a writ of execution or court order;

8 (2) the name and address of the court that issued the writ or order;

9 (3) the case number for which the writ or order was issued;

10 (4) the amount seized under the writ or order; and

11 (5) notification that the individual has 30 days from the date the notice
12 is mailed in which to file with the court an objection to the seizure if a mistake has
13 been made.

14 * Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 INDIRECT COURT RULE AMENDMENT. The provisions of secs. 3 and 4 of this
17 Act have the effect of changing Rule 89, Alaska Rules of Civil Procedure, by allowing a
18 civilian process server licensed by the commissioner of public safety to execute upon Alaska
19 Permanent Fund dividend by electronic means in accordance with regulations adopted by the
20 Department of Revenue.

21 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 CONDITIONAL EFFECT. The amendments to AS 43.23.065 made by secs. 3 and 4
24 of this Act take effect only if sec. 5 of this Act receives the two-thirds majority vote of each
25 house required by art. IV, sec. 15, Constitution of the State of Alaska.

26 * Sec. 7. Sections 1 and 2 of this Act take effect January 1, 2009.

27 * Sec. 8. If, under sec. 6 of this Act, secs. 3 and 4 of this Act take effect, they take effect
28 January 1, 2009.



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

Sarah Palin, Governor
Walter Monagan, Commissioner

March 19, 2008

Senator Lesil McGuire
State Capitol, Room 125
Juneau, Alaska 99801-1182

Subject: Support for CS for SB 265

Dear Senator McGuire:

Thank you for introducing SB 265, a bill that will help hold bring sexual assault perpetrators into compliance with the state Sex Offender Registry.

As you know, Alaska has held the shameful distinction for many years of being the leader in the country for incidences of forcible rape – and these are just the incidents that are reported which we know are only a portion of the actual offenses committed. We need all the tools available to prevent these crimes and to provide safety for victims, or potential victims, to the fullest extent possible. This legislation would provide us another tool to help in this effort by bringing more convicted sexual assault felons into compliance and allow the public, law enforcement and courts to have up-to-date information on their whereabouts.

Other states also grapple with the problem of ensuring sex offender registration compliance. The State of Alaska has a unique tool to help accomplish this through the Permanent Fund Dividend issuance. We appreciate the innovation of this approach and fully support CS for SB 265.

Thank you for your leadership in this area and for introducing this SB 265.

Sincerely,

Chris Ashenbrenner
Executive Director

"Public Safety through Public Service"

Council on Domestic Violence & Sexual Assault
P.O. Box 111200 - Juneau, AK 99811 - Voice (907) 465-4356 - Fax (907) 465-3627

Wednesday, March 19, 2008

9:00 AM

SB 285-STATE INTERVENTION IN SCHOOL DISTRICT

SB 285-STATE INTERVENTION IN SCHOOL DISTRICT

Senator Gary Stevens

Tim Lamkin, Staff

CS Version

Amendment 1 Dyson, Amendment 2 - Dyson

Eddy Jeans, Director, Education Support Services, Department of
Education and Early Development

SB 265-SEX OFFENDERS & CHILD KIDNAPPERS

CS Version K

Teleconference

David Schade (Statewide Services Director, Public Safety

Kathryn Monfreda, Chief, Criminal Records and Identification

Bureau, Division of Statewide Services, Department of Public Safety

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 125
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249



Chair
Senate State Affairs
Administrative Regulation Review

Member
Senate Judiciary Committee
Senate Resources Committee

SENATOR LESLIE MCGUIRE

SPONSOR STATEMENT

SB 265 – Sex Offenders & Child Kidnappers

One out of ten convicted sex offenders and child kidnappers in the State of Alaska are failing to keep their information current on the state Sex Offender Registry (SOR). SB 265 aims to bring these offenders into compliance by withholding their Permanent Fund Dividend until they have registered.

Information provided to the PFD is arguably the most accurate and up-to-date information in the state. SB 265 taps into this valuable resource to bring the one out of ten noncompliers on the SOR into compliance.

SB 265 would require PFD applicants to be screened against the Department of Public Safety's Sex Offender Registry. If the applicant is found to be a convicted sex offender and out of compliance with the SOR, the application would be rejected and a notice with instructions on how to update SOR information would be mailed to the applicant.

By creating an incentive for convicted sex offenders to keep their SOR information up to date, SB 265 would relieve law enforcement of the burden of having to dedicate the time, money, and resources to track down noncompliant offenders. Convicted sex offenders willingly updating their information would also relieve the court system of the burden of trying and convicting noncompliers.

But most importantly, SB 265 would increase the effectiveness of an already successful and popular SOR program. By ensuring up-to-date and accurate information is posted on the State SOR, SB 265 gives Alaskan citizens an improved means to identify convicted sex offenders who may be living in their communities.

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 20, 2008

SUBJECT: Sex offender registration and permanent fund dividends
(Work Order No. 25-LS1538)

TO: Senator Lesil McGuire
Chair of the Senate State Affairs Committee
Attn: Trevor Fulton

FROM: Tamara Brandt Cook
Director *TBC*

Would there be a constitutional issue with withholding a sex offender's permanent fund dividend if the offender fails to comply with sex offender registration requirements?

A convicted sex offender is required to comply with the registration requirements of AS 12.63.010 which are fairly detailed. Failing to comply with the registration requirements is, itself, a criminal offense. Under AS 11.56.830, failure to register as a sex offender in the first degree is a class C felony. Under AS 11.56.840, failure to register as a sex offender in the second degree is a class A misdemeanor. So, the state has already established the penalty for failure to comply with the registration requirements. Consequently, it is possible that an equal protection challenge could be brought against the state if it treats people who are convicted of failing to register as sex offenders differently from people who are convicted of other crimes that carry the same penalties.

However, in most cases a person who fails to register as a sex offender already loses eligibility for permanent fund dividends. AS 43.23.005(d) provides:

- (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is not eligible for a permanent fund dividend for a dividend year when
- (1) during the qualifying year, the individual was sentenced as a result of conviction in this state of a felony;
 - (2) during all or part of the qualifying year, the individual was incarcerated as a result of the conviction in this state of a
 - (A) felony; or
 - (B) misdemeanor if the individual has been convicted of
 - (i) a prior felony as defined in AS 11.81.900; or
 - (ii) two or more prior misdemeanors as defined in AS 11.81.900.

Senator Lesil McGuire
February 20, 2008
Page 2

Note that if an individual, during the dividend qualifying year, has been sentenced as a result of conviction of failure to register as a sex offender in the first degree or was incarcerated for that crime, the individual does not qualify for a permanent fund dividend. If an individual, during the dividend qualifying year, was incarcerated as a result of conviction of failure to register as a sex offender in the second degree, that individual will not qualify for a permanent fund dividend because, essentially, all persons who are required to register have already been convicted of prior offenses that trigger the ineligibility provision of AS 43.24.005(d)(2)(B).

TBC:med
08-125.med

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

March 18, 2008

SUBJECT: Payment of permanent fund dividends; sectional summary
(CSSB 265() ; draft version K)

TO: Senator Lesil McGuire
Attn: Trevor Fulton

FROM: Tamara Brandt Cook
Director

Sec. 1. Delays payment of a permanent fund dividend to an individual who is required to register as a sex offender or child kidnapper if the individual has not registered or has not completed periodic verifications or notices. The Department of Revenue must notify the individual in writing if payment is delayed and request proof of registration and compliance with the verification or notice requirements. The dividend may not be paid unless compliance is obtained within one year after the notification. If the individual dies before a dividend that remains payable is paid, the dividend is paid to a personal representative of the individual's estate.

Sec. 2. Technical conforming amendment to accommodate the delayed payment provision in sec. 1.

Sec. 3. Permits a writ of execution upon a dividend to be served on the Commissioner of Revenue by a civilian process service licensed by the Commission of Public Safety using electronic execution procedures.

Sec. 4. Technical conforming amendment to accommodate sec. 3.

Sec. 5. Gives notice that allowing a civilian process server to execute on a dividend by electronic means has the effect of changing Rule 89, Alaska Rules of Civil Procedure.

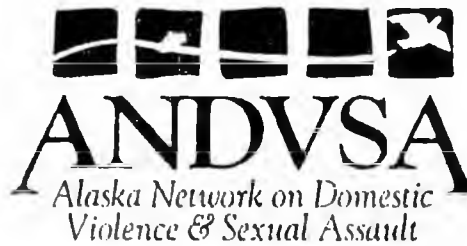
Sec. 6. Provides that the amendments that have the effect of changing a court rule take effect only if the bill section that provides notice of the court rule change receives the two-thirds majority vote required under the state constitution.

Sec. 7. January 1, 2009 is the effective date for secs. 1 and 2.

Sec. 8. If the provisions that amend a court rule take effect, they take effect on January 1, 2009.

TBC/ljw
08-156/ljw

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February 27, 2008

Senator McGuire
State Capitol, Room 125
Juneau, AK 99801-1182

Dear Senator McGuire:

On behalf of the nineteen member domestic violence and sexual assault programs throughout the state that comprise the Alaska Network on Domestic Violence and Sexual Assault, thank you for introducing SB 265. This bill would help ensure that convicted sex offenders keep their registration information up to date.

In its current form, the bill would require that the DMV screen all applicants for driver's licenses against the state sex offender registry (SOR) and, if an applicant for a driver's license is found to be non-compliant with the registry, to withhold granting the license until the convicted sex offender updates his registration information. In addition, the DMV would set the expiration date for one year from the date issued, thereby compelling the convicted sex offender to register and/or update information at least once per year.

Sen. McGuire, you have made us aware of your plans to introduce a significant change to the bill, which would remove the DMV from the equation and use instead the Permanent Fund Dividend application as a screening tool for SOR compliance. The new bill proposes that a convicted sex offender indicate a past conviction (via a yes/no question) on the application. The PFD office would then screen those applicants against the SOR, and refrain from processing the PFD application of any convicted sex offender not in compliance with the state registry until that individual's information had been updated with the SOR.

The Alaska Network on Domestic Violence and Domestic Assault fully supports legislation that reduces the rate of non-compliance with the SOR among convicted offenders and that, by extension, helps to keep survivors of sexual violence apprised of the whereabouts of convicted offenders. Thank you for sponsoring this bill.

Regards,

A handwritten signature in cursive script, appearing to read 'Peggy Brown', written in black ink over a horizontal line.

Peggy Brown
Executive Director

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 Palmer AFS Seward SCS Sitka SAFV Unalaska USAFY Valdez AVV