

SB

150

Alaska State Legislature

Interim: (May - Dec)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
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Toll free: (800) 770-3822

Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

MEMO

To: Senator French, Chair
Senate Judiciary Committee

Date: April 19, 2007

Re: Hearing Request for SB 150

I respectfully request a hearing on **SB 150** regarding Crimes at Domestic Violence and Sexual Assault shelters and facilities.

Sincerely,

Bettye Davis

Alaska State Legislature

Interim (May - Dec)
716 W. 4th Ave
Anchorage, AK 99501
Phone (907) 269-0144
Fax (907) 269-0148



Session (Jan. - May)
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Senator Bettye Davis

SB 150

"Relating To Crimes at Domestic Violence Shelters"

Sponsor Statement

Domestic violence is a serious, significant, preventable public health challenge. Domestic Violence is responded to by the combined efforts of law enforcement, social service agencies, the medical field, courts, Public Safety and Corrections.

Alaska has the distinction of being in the top five states for per capita domestic violence rates. Alaskan women are being killed by intimate partners at the rate of 1.5 times the national average. Alaska shelters provided 8,793 clients with services during 2005. According to an Anchorage Police Department report, 61% of the city's homicides in 2002 were directly related to domestic violence.

Women and children are typically the victims of domestic violence and abuse and many use local shelters. These Alaskans are especially vulnerable to violent crime victimization. These shelters are one of the few areas that offer safety from further violence.

Alaska needs to do more to ensure that our 19 shelters provide the secure environment these vulnerable members of our society need and should expect for their safety and recovery. Despite an emphasis on security measures, 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.

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. Passage of SB 150 provides an additional tool for judges and prosecutors to use to send a message that crimes committed on the premises of domestic violence shelters are deserving of maximum allowable punishment and that the safety of one of the most vulnerable populations in our state will be valued and ensured.

"As Alaskans it is our duty to provide the maximum protection under law to those in need while placing significant deterrents to those who perpetuate acts of violence on persons."

--Sen. Bettye Davis

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

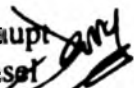
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 2, 2007

SUBJECT: Sectional Summary -- SB 150 (Work Order No. 25-LS0803\A)

TO: Senator Bettye Davis

FROM: Gerald P. Luckhaupt
Legislative Counsel 

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

Section 1. Amends AS 12.55.155(c)(34) by providing a new aggravating factor that may be proven to increase a felony sentence beyond the presumptive range for the offense.

Section 2. Provides an applicability section.

GPL:ljw
07-184.ljw

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
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Mail Stop 3101

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

MEMORANDUM

March 5, 2007

SUBJECT: Aggravating Factors at Sentencing
(Work Order No. 25-LS0606\C)

TO: Representative Andrea Doll
Attn: Terry Harvey

FROM: Gerald P. Luckhaupt *JERRY*
Legislative Counsel

You have asked for an explanation of how aggravating factors at sentencing work. AS 12.55.125 provides sentences for felonies. AS 12.55.125(c) - (e) and (i)¹ provide presumptive sentencing ranges for class A, B, and C felonies. AS 12.55.155(a) provides:

(a) Except as provided in (e) of this section, if a defendant is convicted of an offense and is subject to sentencing under AS 12.55.125(c), (d), (e), or (i) and

(1) the low end of the presumptive range is four years or less, the court may impose any sentence below the presumptive range for factors in mitigation or may increase the active term of imprisonment up to the maximum term of imprisonment for factors in aggravation;

(2) the low end of the presumptive range is more than four years, the court may impose a sentence below the presumptive range as long as the active term of imprisonment is not less than 50 percent of the low end of the presumptive range for factors in mitigation or may increase the active term of imprisonment up to the maximum term of imprisonment for factors in aggravation.

Factors in aggravation are provided in AS 12.55.155(c). Factors in mitigation are provided in AS 12.55.155(d). Factors in aggravation and mitigation, if proven, must be considered by the sentencing court.

GPL:med
07-150.med

¹ AS 12.55.125(i) provides the sentencing ranges for sexual offenses.

Terry Harvey

From: Peggy Brown [pbrown.andvsa@alaska.com]
Sent: Tuesday, February 13, 2007 1:47 PM
To: Terry Harvey
Subject: RE: Statutes regarding shelters

AS 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;

Peggy Brown, Executive Director
Alaska Network on Domestic Violence
& Sexual Assault
130 Seward Street, Suite 209
Juneau AK 99801
(907) 586-3650 Ext. 22
(907) 463-4493 fax
www.andvsa.org

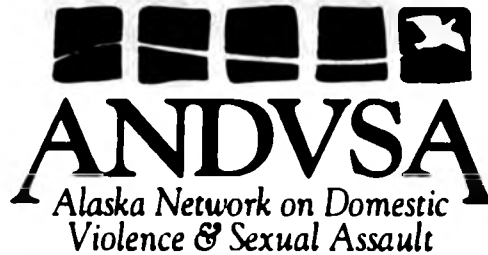
-----Original Message-----

From: Terry Harvey [mailto:Terry_Harvey@legis.state.ak.us]
Sent: Tuesday, February 13, 2007 12:59 PM
To: pbrown.andvsa@alaska.com
Subject: Statutes regarding shelters

I will investigate this and find, but I wanted to ask you if you knew off hand if there are specific statutes that detail or certify exactly what a domestic violence center or safe house is in Alaska. Thanks

Terry Harvey
Rep. Doll office

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 30, 2007

The Honorable Senator Bettye Davis
State Senate
Alaska State Capitol
Juneau, AK 99801-1182

RECEIVED!
APR 02 2007

Dear Senator Davis:

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 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.

Crimes such as trespassing, breaking and entering, or assault, which are committed at a shelter, would be subject to an aggravating factor that could be presented to a jury and judge. This will give the jury and judge the ability to consider a punishment above the presumptive range. Of all people, a person seeking safety and sanctuary at a shelter for abuse victims deserves to be as safe and secure as possible.

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. 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 sanctuary sought by victims.”

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

Sincerely,

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 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)



State of Alaska

Department of Public Safety

Council on Domestic Violence & Sexual Assault

Sarah Palin, Governor
Wait Monegan, Commissioner

April 17, 2007

Senator Bettye Davis
State Capitol, Room 30
Juneau, Alaska 99801

Dear Senator Davis:

The Council on Domestic Violence and Sexual Assault supports SB150, "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 that reads "Chris Ashenbrenner".

Chris Ashenbrenner
Interim Program Administrator

April 17, 2006

To Whom It May Concern:

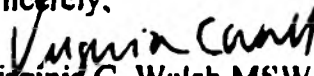
Families residing at domestic violence shelters have experienced violence first hand, and the children have witnessed acts of violence or experienced violence first hand. These families require a safe and nonviolent environment to begin the first step toward healing.

When there is fear that a perpetrator can enter the shelter and commit more violent acts, then these families are left feeling vulnerable and hopeless. Victims of domestic violence and sexual assault in rural communities may have access to few resources—they often want to avoid staying with family or friends because this might put their family members and friends at risk. If the shelter or safe home is not a secure environment, where can they go?

In Barrow, we have perpetrators that threaten shelter staff and shelter residents. Certainly, these acts of terror intimidate and inflict further distress and leave victims believing that they are not safe anywhere and that their perpetrators do not receive sentences commensurate with their crimes. Thus, they are re-victimized and left feeling completely alone.

Please pass Senate Bill 150, so families in need can have access to the safe and supportive environments they so desperately need.

Sincerely,


Virginia C. Walsh MSW
Clinician
Arctic Women in Crisis

April 16, 2007

Alaska State Legislature
Senator Betty Davis
ATTN: Donne Fleagle
State Capitol

My name is Nellie Sears and I am a Safe Home Provider here in Point Hope, Alaska and I am in total support of Senate Bill 150.

Thank you,

Nellie Sears

Nellie Sears

April 17, 2007

To Whom It May Concern:

While it is true that Alaska has the distinction of being in the top five states for per capita domestic violence I, as a DV/SA counselor, have seen a more upfront and personal face to domestic violence. I have worked at Artic Women In Crisis for eight years and have taken care of the women and their children who have been victims of domestic violence.

When women and their family flee to any shelter, especially in a rural setting, they are in fear of their lives. When further trauma is perpetrated on them by the fear that a perpetrator will follow them to the shelter and break into their only haven, it's devastating. I have personally attended women who have stayed up all night watching over their children and no amount of reassuring from staff will calm them. It needs to be addressed now. One way to accomplish that is to send the message to those who would ignore the current law and make the punishment for violating the sanctity of the shelters and safe homes much stiffer.

I encourage you to pass Senate Bill 150 and send that message loud and clear to all Alaskans. Thank you for listening to one person's concern over what should be all of our concerns.

Sincerely,

**Carolyn Sholley
Counselor II
Artic Women In Crisis**

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
KESKIMWIEM
McGrain
Medtra
Nikolai
Talakina
Telida

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
Dot Lake
Eagle
Healy Lake
Northway
Tanacross
Teshik
Tok

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 Violence 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
Venette

YUKON
KOSYUK
Galena
Huslia
Kallag
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.

YUKON TANANA
Aiala
Alikakof
Evanville
Fairbanks
Hughes
Lake
Minchumina
Montley Hot
Springs
Minto
Nanana
Rampart
Stevens Village
Tanana

Sincerely,

TANANA CHIEFS CONFERENCE

Jerry L. Lavoie, President

