

SB

45

Alaska State Legislature



Out of Session:
PO Box 531
Golovin, Alaska 99762
(907) 443-5599

In Session
State Capitol, Suite 510
Juneau, Alaska 99801-1182
(800) 597-3707
(907) 465-3707
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SENATOR DONALD C. OLSON

DISTRICT

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Atkasuk
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Buckland
Chevak
Deering
Diomedes
Elim
Emmonak
Gambell
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Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Nunam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

February 1, 2007

MEMORANDUM

To: Senator French, Chair
Senate Judiciary Committee

From: Senator Olson 

Re: Request for a committee hearing for SB 45, Peace Officer Convicted of Murder.

I would appreciate the scheduling of a Judiciary Committee hearing of SB 45 at your earliest convenience. Attached is a sponsor statement and support documentation. If you need additional information, please contact me or Dave Gray in my office.

Thank you for your attention to this request.

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DISTRICT T

SPONSOR STATEMENT

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SB 45, Peace Officer Convicted of Murder.

SB 45 mandates the maximum sentence for first-degree murder when committed by an on-duty peace officer.

This legislation derives from the Nome murder of Sonya Ivanoff, a well-known and well-liked young girl in the Bering Straits region. The investigation and subsequent conviction of the police officer responsible for the murder caused much anguish and consternation for both the Ivanoff family and the region's population in general.

At the police officer's sentencing, the judge agreed with the state prosecutor's recommendation that the maximum penalty should be imposed. His rationale was that while state law mandates the maximum penalty when a peace officer is murdered while acting in the line of duty [AS 12.55.125 (a)(1)], first degree murder by a peace officer acting in a position of trust and public protection was equally egregious.

SB 45 provides sentencing parity for the protection of our guardians of civil law and order and for the public trust in their activities and responsibilities.

ALASKA FEDERATION OF NATIVES**2006 ANNUAL CONVENTION****RESOLUTION 06-17**

TITLE: SUPPORTING SONYA IVANOFF LAW

WHEREAS: A police officer was recently convicted of murder in the first degree in the death of 19 year old Alaska Native Sonya Ivanoff and sentenced to 99 years of imprisonment; and

WHEREAS: AS 12.55.125, provides in part that a Defendant convicted of murder in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years when the defendant is convicted of murder of a uniformed or otherwise clearly identified peace officer, fire fighter, or correctional employee who was engaged in the performance of official duties at the time of the murder; and

WHEREAS: the State attorney cited AS 12.55.125 as justification for imposing a sentence of 99 years of imprisonment for the police officer who murdered Sonya Ivanoff; and

WHEREAS: the State's attorney opined during the sentencing hearing that an equivalent sentence should result if a police officer is convicted of murder in the first degree for a crime that is committed while the officer is on duty; and

WHEREAS: the Presiding Judge agreed with the State's attorney's rationale and imposed the maximum sentence of 99 years of imprisonment for the police officer who brutally murdered Sonya Ivanoff while he was on duty; and

WHEREAS: the Alaska Legislature has an opportunity to restore confidence in the Justice System for ALL ALASKA RESIDENTS, no matter where they live, and assure that justice is equally applied for all residents; and

WHEREAS: Alaska Federation of Natives, Inc. believes that more stringent sentencing guidelines need to be enacted to reflect the State's desire to bring to justice ALL criminals, whether or not they are uniformed, and a higher sentencing standard should be applied to peace officers who are convicted of committing murder in the first degree while on duty; and

WHEREAS: Peace officers convicted of committing murder in the first degree should be sentenced to 99 years without the possibility of parole.

1807402988 T-297 P.006/000 F-000
NOW THEREFORE BE IT RESOLVED by the Delegates to the 2006 Annual Convention of the Alaska Federation of Natives, Inc. that AFN hereby requests that our regional delegation to the Alaska State Legislature, Senator Donald Olson, Representative Richard Foster and the Representative Reginald Joule, sponsor a bill amending AS 12.55.125 to include language adding a paragraph (5) as follows:

5. The defendant is a uniformed or otherwise clearly identified peace officer, fire fighter, or correctional employee who was on duty at the time of the murder. This provision shall be known as "The Sonya Ivanoff Law."

BE IT FURTHER RESOLVED that the bill also includes the following language:

The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The Act applies to offenses or acts committed on or after the effective date of this Act.

This Act takes effect immediately under AS 01.10.070 (c).

BE IT FURTHER RESOLVED, that the Alaska Federation of Natives, Inc. hereby requests the Alaska State Legislature and the Governor to support passage and enactment of this bill.

SUBMITTED BY: KAWERAK, INC AND NORTON SOUND HEALTH CORPORATION

COMMITTEE ACTION: DO PASS

CONVENTION ACTION: AMENDED AND PASSED





KAWERAK, INC. • P.O. Box 948 • Nome, AK 99762

TEL: (907) 443-5231 • FAX: (907) 443-4452

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- NOME
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- SHISHMAREF
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- STEBBINS
- ST MICHAEL
- TELLER
- UNALAKLEET
- WALES
- WHITE MOUNTAIN

Good morning, Chairperson McGuire and members of the Senate State Affairs Committee.

Thank you for this opportunity to testify on SB 45 – “An Act relating to murder in the first degree.” My name is Loretta Bullard. I am President of Kawerak Incorporated, a regional non-profit consortium of 20 tribes located on the Seward Peninsula of Alaska. I am testifying in support of this bill.

As a long term resident of Nome, I wanted to speak to the horror that the entire community of Nome experienced, when Sonya Ivanoff was killed. No one knew who had killed this beautiful, vibrant, promising young woman. Her family, friends, and community were devastated. There were a number of individuals who were suspected early on, wrongly, as it turns out. When a member of the Nome Police Department came under suspicion, there was a time during which the Nome Police Department attempted to investigate one of their own. Thankfully, the Alaska State Troopers were called in. Community residents were horrified:

- to find that a Nome Police Officer was under suspicion of murder;
- that the Nome Police Officer was released on \$35,000 bail pending trial - his bail was subsequently revoked when he was observed driving around Nome with a juvenile in his vehicle without his court ordered custodian; and
- when the police officer was convicted of 1st degree murder and a review of the State Statutes left open the possibility of a minimal sentence and parole.

Currently, state statute provides that an individual will be incarcerated for a mandatory 99 years if they are convicted of the murder of a uniformed police officer, fire fighter or correctional employee – but the opposing scenario is not addressed.

We strongly believe that a peace officer should be held to a stringent standard, since, as an officer of the law, they have sworn to uphold it. They are the individuals, we as community members look to for help during times of need. Matt Owens failed in his capacity as a sworn police officer and as a human being.

The language that is before the committee would insure that peace officers convicted of first degree murder while on duty would receive a mandatory sentence of 99 years. Our understanding is that a separate statute (AS 33.19.90) removes the possibility of being eligible for discretionary parole for crimes listed in AS 12.55.125. However, there is no prohibition against early release for good behavior which could result in a reduction to time served by 1/3. We recommend that the language be amended to remove any possibility of early release and that the amended legislation be forwarded for consideration to the Senate Judiciary Committee. As part of my testimony, I am forwarding copies of resolutions from Kawerak and Norton Sound Health Corporation Board of Directors in support of this bill.

Thank you for this opportunity to testify.



KAWERAK, INC. • P.O. Box 948 • Nome, AK 99762

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RESOLUTION 2006-08

A RESOLUTION SUPPORTING THE "SONYA IVANOFF LAW"

WHEREAS, A police officer was recently convicted of murder in the first degree in the death of 19 year old Alaska Native Sonya Ivanoff and sentenced to 99 years of imprisonment; and

WHEREAS, AS 12.55.125, provides in part that a Defendant convicted of murder in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years when the defendant is convicted of murder of a uniformed or otherwise clearly identified peace officer, fire fighter, or correctional employee who was engaged in the performance of official duties at the time of the murder; and

WHEREAS, the State attorney cited AS 12.55.125 as justification for imposing a sentence of 99 years of imprisonment for the police officer who murdered Sonya Ivanoff; and

WHEREAS, the State's attorney opined during the sentencing hearing that an equivalent sentence should result if a police officer is convicted of murder in the first degree for a crime that is committed while the officer is on duty; and

WHEREAS, the Presiding Judge agreed with the State's attorney's rationale and imposed the maximum sentence of 99 years of imprisonment for the police officer who brutally murdered Sonya Ivanoff while he was on duty; and

WHEREAS, the Alaska Legislature has an opportunity to restore confidence in the Justice System for ALL ALASKA RESIDENTS, no matter where they live, and assure that justice is equally applied for all residents; and

WHEREAS, the Kawerak Board of Directors has strongly urged the investigation of the deaths of Alaska Natives in and around Nome that have occurred over the past 40 years, and believes very strongly that more stringent sentencing guidelines need to be enacted to reflect the State's desire to bring to justice ALL criminals, whether or not they are uniformed, and the Kawerak Board further believes that a higher sentencing standard should be applied to peace officers who are convicted of committing murder in the first degree while on duty;

NOW THEREFORE BE IT RESOLVED that the Board of Directors of Kawerak Incorporated hereby requests that our regional delegation to the Alaska State

Legislature, Senator Donald Olson and Representative Richard Foster and the Representative from the District in which the trial was held, Representative Reginald Joule, sponsor a bill amending AS 12.55.125 to include language adding a paragraph (5) as follows:

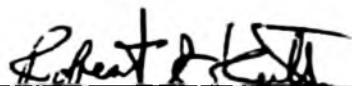
- (5) the defendant is a uniformed or otherwise clearly identified peace officer, fire fighter, or correctional employee who was on duty at the time of the murder. This provision shall be known as "The Sonya Ivanoff Law."

FURTHER BE IT RESOLVED the bill also include the following language:

The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The Act applies to offenses or acts committed on or after the effective date of this Act.

This Act takes effect immediately under AS 01.10.070 (c).



Robert Keith, Board Chairman

CERTIFICATION:

I, the undersigned Secretary of Kawerak, Inc., Board of Directors hereby certify the foregoing Resolution 2006-08 was adopted at a duly called meeting of the Kawerak Executive Committee held on this 21st day of June, 2006.

Resolution 2006-08 was adopted by 4 Votes in FAVOR

0 Votes OPPOSED.



Rosemary Tootkaylok, Board Secretary



NORTON SOUND HEALTH CORPORATION

P.O. BOX 966
NOME, ALASKA 99762
(907) 443-3311

NORTON SOUND HEALTH CORPORATION BOARD OF DIRECTORS

RESOLUTION # 2006-12

A RESOLUTION SUPPORTING THE "SONYA IVANOFF LAW"

WHEREAS, A police officer who was convicted of murder in the first degree in the death of 19 year old Alaskan Native Sonya Ivanoff was recently sentenced to 99 years of imprisonment and an additional 2 years for tampering with evidence; and

WHEREAS, A.S. 12.55.125, provides in part that a defendant convicted of murder in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years when the defendant is convicted of the murder of a uniformed or otherwise clearly identified peace officer, fire fighter, or correctional employee who was engaged in the performance of official duties at the time of the murder; and

WHEREAS, the State's attorney cited A.S. 12.55.125 as justification for imposing a sentence of 99 years of imprisonment for the police officer who murdered Sonya Ivanoff, and

WHEREAS, The State's attorney opined during the sentencing hearing that an equivalent sentence should result if a police officer is convicted of murder in the first degree for a crime that is committed while the officer is on duty; and

WHEREAS, The Presiding Judge agreed with the State Attorney's rationale and imposed the maximum sentence of 99 years of imprisonment for the police officer who brutally murdered Sonya Ivanoff while he was on duty; and

WHEREAS, The Alaska State Legislature has an opportunity to restore confidence in the Justice System for **ALL ALASKA RESIDENTS**, no matter where they live, and assure that justice is equally applied for all residents; and

WHEREAS, The Norton Sound Health Corporation Board has in the past strongly urged the investigation of the mysterious deaths of Alaska Natives in and around Nome that have occurred over the past 40 years, and believes very strongly that more stringent sentencing guidelines need to be enacted to reflect the State's desire to bring to justice **ALL** criminals, whether or not they are uniformed, and the Board further believes that a higher sentencing standard should be applied to peace officers who are convicted of committing murder in the first degree while on duty.

NOW THEREFORE BE IT RESOLVED, That the Board of Directors of the Norton Sound Health Corporation hereby requests that our regional delegation to the Alaska State Legislature,

Senator Donny Olson and Representative Richard Foster, and the Representative from the District in which the trial was held, Representative Reggie Joule, sponsor a bill amending A.S. 12.55.125 to include language adding a paragraph (5) as follows:

(5) The defendant is a uniformed or otherwise clearly identified peace officer, fire fighter, or correctional employee who was on duty at the time of the murder. This provision shall be known as "The Sonya Ivanoff Law."

FURTHER BE IT RESOLVED, That the bill also include the following language:

The un-codified law of the State of Alaska is amended by adding a new section to read:

Applicability. This Act applies to offenses or acts committed on or after the effective date of this Act.

Certification

Passed this 5th day of May 2006, at the duly convened meeting of the Norton Sound Health Corporation Full Board of Directors.



Emily Hughes, NSHC Board Chairman



Berda Willson, NSHC Board Secretary

NORTON SOUND HEALTH CORPORATION
FY 2006 BOARD OF DIRECTORS
SIGNATURE PAGE

Leonard Adams
Leonard Adams
Native Village of Brevig Mission

Karen Kazinguk
Karen Kazinguk
Native Village of Diomede

John Handeland
John Handeland
Native Village of Gambell

Robert Keith
Robert Keith
Kawerak, Inc.

Morris Nassuk
Morris Nassuk
Native Village of Koyuk

John Handeland
John Handeland
Nome At Large

Austin Ahmasuk
Austin Ahmasuk
Nome Eskimo Community II

Virginia Washington
Virginia Washington
Native Village of St. Michael

Simon Bekoolok Jr.
Simon Bekoolok Jr.
Native Village of Shaktoolik

Brian James
Brian James
Village of Solomon

Emily Hughes
Emily Hughes
Native Village of Teller

Frank Oxereok Jr.
Frank Oxereok Jr.
Native Village of Wales

Berda Willson
Berda Willson,
Native Village of Council

Charles Saccheus
Charles Saccheus
Native Village of Elim

Mary Jane Willoya
Mary Jane Willoya
Chinik Eskimo Community

Jennifer Carlisle-Little
Jennifer Carlisle-Little
King Island Native Community

Dora Mae Hughes
Dora Mae Hughes
Mary's Igloo

Alfred Sahlin
Alfred Sahlin
Nome Eskimo Community I

Mary Knodel
Mary Knodel
City of Nome

Verna Immingan
Verna Immingan
Native Village of Savoonga.

Luci Eningowuk
Luci Eningowuk
Native Village of Shishmaref

Jean Ferris
Jean Ferris
Stebbins Community Association

Kathy Johnson
Kathy Johnson
Native Village of Unalakleet

Lincoln Simon Sr.
Lincoln Simon Sr.
Native Village of White Mountain