

SEB

265

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

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

Identifier (file name): SB265-DPS-R&I-02-22-08 Dept. Affected: Public Safety
 Title: "An Act relating to drivers' licenses and identification cards issued to sex offenders and child kidnappers." RDU: Statewide Support
 Sponsor: Senator McGuire Component: Records & Identification
 Requester: Senate Transportation Committee Component Number: 1190

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	20.0						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	20.0	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	20.0						
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	20.0	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 requires the Division of Motor Vehicles (DMV) to verify that a person required to register as a sex offender or child kidnapper under AS 12.63 is in compliance with the registration requirements under that chapter as a condition of issuing or renewing the person's identification card or driver's license. It also requires sex offenders and child kidnappers to renew their identification card or driver's license annually rather than every five years as is the current requirement. (Continued)

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

Phone (907) 269-0202
 Date/Time 2/25/08 5:14 PM
 Date _____

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. SB 265

ANALYSIS CONTINUATION

To implement the screening requirements of this legislation, the DMV will need to compare information from their database against information from the Department of Public Safety's (DPS) sex offender registry database to determine 1) whether the person is someone required to register as a sex offender or child kidnapper and therefore subject to a one-year renewal, and 2) if so, whether the person is in compliance with the registration requirements.

Currently, there is no electronic telecommunications interface between DMV's database (Alaska License and Vehicle Information Network (ALVIN)) and DPS's database (Alaska Public Safety Information Network (APSIN)) that would facilitate the real-time screening process that this legislation proposes.

An interface will need to be built that will electronically submit a query from ALVIN to APSIN to conduct a search against specific data elements in the sex offender registry (e.g., name, social security number, date of birth, etc.) and provide a response back.

The cost to build an electronic interface that allows APSIN to receive the query from ALVIN and return a response is estimated to be \$20,000. This estimate includes the cost of a contract programmer for 200 hours at \$100 per hour for analysis, review, security, planning, testing, and implementation.

ALASKA STATE LEGISLATURE

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Chair
Senate State Affairs
Administrative Regulation Review

Member
Senate Judiciary Committee
Senate Resources Committee

SENATOR LESIL MCGUIRE

SPONSOR STATEMENT

SB 265 – Sex Offenders, Kidnappers Permanent Fund Dividend (for Blank CS to be adopted by Senate Transportation Committee)

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.

SB 265 would require that anyone applying for their PFD 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.

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.

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.

25-LS1449E
Cook
2/25/08

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; and providing for an effective**
3 **date."**

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

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

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

11 **(b) If payment of a dividend is delayed, the department shall notify the**
12 **individual in writing of the delayed payment status, explain the requirements of this**
13 **section, and request proof of registration and compliance with the verifications and**
14 **notices required under AS 12.63. The dividend may not be paid unless, within one**

1 year after the notification, the department determines that the individual has registered
2 and is in compliance with the verifications and notices required under AS 12.63.

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

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

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

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

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

16 (1) determining the total amount available for dividend payments,
17 which equals

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

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

23 (C) less the amount necessary to pay prior year dividends from
24 the dividend fund in the current year under AS 43.23.005(h), 43.23.021, and
25 43.23.055(3) and (7) [UNDER AS 43.23.055(3) AND (7)];

26 (D) less the amount necessary to pay dividends from the
27 dividend fund due to eligible applicants who, as determined by the department,
28 filed for a previous year's dividend by the filing deadline but who were not
29 included in a previous year's dividend computation;

30 (E) less appropriations from the dividend fund during the
31 current year, including amounts to pay costs of administering the dividend

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program and the hold harmless provisions of AS 43.23.075;

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

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

* Sec. 3. This Act takes effect January 1, 2009.

SENATE BILL NO. 265

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

BY SENATOR MCGUIRE

Introduced: 2/13/08

Referred: Transportation, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to drivers' licenses and identification cards issued to sex offenders and**
2 **child kidnapers."**

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

4 *** Section 1.** AS 18.65.310 is amended by adding a new subsection to read:

5 (k) Notwithstanding another provision of this section, the department may not
6 issue an identification card to a person who is required to register as a sex offender or
7 child kidnapper under AS 12.63 if the person has not registered or has not completed
8 the required periodic verifications or notices. An identification card issued to a person
9 who is required to register as a sex offender or chiid kidnapper under AS 12.63 expires
10 on the person's birthday in the first year following issuance of the card.

11 *** Sec. 2.** AS 28.15.031(b) is amended to read:

12 (b) The department may not issue an original or duplicate driver's license to,
13 nor renew or reinstate the driver's license of, a person

14 (1) whose license is suspended, revoked, canceled, or withdrawn in

1 this or any other jurisdiction except as otherwise provided in this chapter;

2 (2) who fails to appear in court for the adjudication of a certain
3 vehicle, driver, or traffic offense when the person's appearance is required by statute,
4 regulation, or court rule;

5 (3) who is an habitual user of alcohol or another drug to such a degree
6 that the person is incapable of safely driving a motor vehicle;

7 (4) when the department, based upon medical evidence, has
8 determined that because of the person's physical or mental disability the person is not
9 able to drive a motor vehicle safely;

10 (5) who is unable to understand official traffic control devices as
11 displayed in this state or who does not have a fair knowledge of traffic laws and
12 regulations, as demonstrated by an examination;

13 (6) who has knowingly made a false statement in the person's
14 application for a license or has committed fraud in connection with the person's
15 application for, or in obtaining or attempting to obtain, a license, or who has not
16 applied under oath on the form provided for the purpose of obtaining or attempting to
17 obtain a license or permit; [OR]

18 (7) who is required under AS 28.20 to furnish proof of financial
19 responsibility and who has not done so; or

20 **(8) who is required to register as a sex offender or child kidnapper**
21 **under AS 12.63 and the person has not registered or has not completed the**
22 **required periodic verifications or notices.**

23 * Sec. 3. AS 28.15 is amended by adding a new section to read:

24 **Sec. 28.15.065. Restrictions on driver's license issued to a sex offender or**
25 **child kidnapper.** (a) Notwithstanding AS 28.15.101, a person who is required to
26 register as a sex offender or child kidnapper may not be issued a driver's license and
27 may not have a driver's license renewed unless the person has registered as required by
28 AS 12.63 and has provided all periodic written notices and verifications required
29 under that chapter.

30 (b) Notwithstanding AS 28.15.101, a driver's license issued to a person
31 required to register as a sex offender or child kidnapper under AS 12.63

1 (1) expires on the licensee's birthday, in the first year following
2 issuance of the license;

3 (2) may be renewed, and a renewed license expires on the licensee's
4 birthday in the year following the renewal.

ALASKA STATE LEGISLATURE

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Chair
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Administrative Regulation Review

Member
Senate Judiciary Committee
Senate Resources Committee

SENATOR LESLIE MCGUIRE

SPONSOR STATEMENT

SB 265 – Sex Offenders, Kidnappers Driver's License

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 refusing them driver's licenses until they are registered.

SB 265 would require that anyone applying for an original or duplicate driver's license or a renewal or reinstatement of a driver's license be screened against the Department of Public Safety's Sex Offender Registry. If found to be noncompliant, an applicant would be denied their card and given instructions on how to update their information on the SOR.

SB 265 also requires that a driver's license issued to a convicted sex offender expires after one year, rather than the standard five-year expiration. This annual renewal process would compel sex offenders to keep their registry information up-to-date.

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.