

**SB**

**210**

<TARGET><BILL>SB 210</BILL><SUBJECT>SB  
210</SUBJECT><COMM>HFIN27</COMM></TARGET>



# FISCAL NOTE

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

cost # codes

Bill Version

HCSSB 210(JUD)

Fiscal Note Number

Publish Date

Identifier (file name) SB 210-DOC-OC-04-12-12

Dept. Affected

DOC

Title "An Act relating to crimes against children; relating to persons found guilty but mentally ill; relating to sentencing...."

Appropriation

Admin & Support

Allocation

Commissioner's Office

Sponsor

Senator McGuire

Requester

House Finance Committee

OMB Component Number

694

**Expenditures/Revenues**

(Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>	<b>FY13</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<b>TOTAL</b>		<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Reflects changes made in HJUD

Prepared by Leslie Houston, Director  
Division Admin. Services, Department of Corrections  
Approved by Joseph D. Schmidt, Commissioner  
Department of Corrections

Phone 907-465-3339  
Date/Time 4/12/12 3:15 PM  
Date 4/12/2012

FISCAL NOTE

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. HCSSB 210(JUD)

**Analysis**

SB 210 amends existing law on crimes of assault in the third degree if a person causes injury to a child under the age of 12. Current law reads under the age of 10 years.

SB 210 requires a jury to find someone Guilty But Mentally Ill (GBMI) "beyond a reasonable doubt" as opposed to the current language of "by a preponderance of the evidence."

SB 210 creates a Human Trafficking Task Force to evaluate services available to victims of human trafficking.

SB 210 adds a new section to existing statute (AS 11.51.100) to include crimes of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of the child under 16 years of age, the person recklessly fails to provide an adequate quantity of food or liquids to a child, causing protracted impairment of the child's health.

SB 210 adds a new section to existing statute to further define "serious physical injury" to include physical injury to a person under the age of 12 years of age that causes serious disfigurement, impairment of health, by serious bruising or other injury, or serious impediment of blood circulation or breathing.

The fiscal impact of the passage of this legislation on the Department of Corrections is indeterminate. If passed, the Department of Corrections will monitor possible future fiscal impacts.

# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version CSSB 210(JUD)  
 Fiscal Note Number 1  
 (S) Publish Date 3/26/12

Identifier (file name) SB210-DOA-OPA-2-24-12 Dept. Affected Administration  
 Title Crimes Against Children Appropriation Legal and Advocacy Services  
 Allocation Office of Public Advocacy  
 Sponsor Senator McGuire  
 Requester Senate Judiciary OMB Component Number 43

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>	<b>FY13</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>

<b>FUND SOURCE</b>		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<b>TOTAL</b>		<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>

<b>POSITIONS</b>							
Full-time							
Part-time							
Temporary							

<b>CHANGE IN REVENUES</b>							

Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Richard Allen, Director  
 Division Office of Public Advocacy  
 Approved by John Cramer, Deputy Commissioner  
Department of Administration

Phone 907 269-3504  
 Date/Time 2/24/12 9:45 AM  
 Date 2/24/2012

FISCAL NOTE #1

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. CSSB 210(JUD)

**Analysis**

This bill amends AS 11.41.200(a) by adding several components regarding children to the definitions of assault in the first, second, and third degrees. Assault in the first degree is modified by including the following: an adult *intentionally* causing "serious bodily harm" to a child under 16 years of age with a disability, an adult *recklessly* causing "serious bodily harm" to a child under 12 years of age, and an adult *recklessly* causing "serious bodily harm" on multiple occasions to a child under the age 16 with a disability. Assault in the first degree is a class A felony that carries a sentence of up to twenty (20) years imprisonment.

Assault in the second degree is modified by including the following: an adult *knowingly* causing serious "bodily harm" to a child under 16 years of age with a disability, an adult *recklessly* causing "physical injury" to a child under 12 years of age, and an adult *recklessly* causing "physical injury" on multiple occasions to a child under the age of 16 with a disability. Assault in the second degree is a class B felony that carries a sentence of up to ten (10) years imprisonment.

Assault in the third degree is modified by changing the age range, from 10 years of age to 12 years of age, when an adult causes physical injury to a child and the injury would cause a reasonable caregiver to seek medical attention from a healthcare professional and changes the age arrange from 10-16 years of age to 12-16 years of age when an adult *knowingly* causes "physical injury to a child and the injury reasonably requires medical treatment. Assault in the third degree is a class C felony that carries a sentence of up to five (5) years imprisonment.

Additionally, this bill amends the crime of endangering the welfare of a minor by including exposing the child to various controlled substances. Penalties for violation of this provision range from a class A misdemeanor to a class B felony with a potential sentence of up to ten (10) years imprisonment. This bill also makes several changes to the statutes defining criminal non-support by including monetary support ordered in another jurisdiction and basic sustenance to the definition of "support," among others.

Finally, this bill makes changes to AS 12.55.155 by adding as an aggravator for sentencing crimes that resulted in serious bodily harm to a child that resulted in extended or substantial impairment to the child's mental health.

This bill creates new crimes that will have a fiscal impact on the Office of Public Advocacy. At this point it is impossible to predict what that impact will be with regards to the number of new cases that will be charged or the number of cases that will be upgraded to more serious felonies under this bill, these modifications are likely to increase the level, and therefore the cost, at which these cases are charged and litigated. The Office of Public Advocacy, therefore, submits an indeterminate fiscal note.

# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version CSSB 210(JUD)  
 Fiscal Note Number 2  
 (S) Publish Date 3/26/12

Identifier (file name) SB210-LAW-CRIM-02-24-12 Dept. Affected Law  
 Title An Act relating to crimes against children; establishing Appropriation Criminal  
a new aggravating factor at sentencing in certain... Allocation Criminal Justice Litigation  
 Sponsor Senator MCGUIRE  
 Requester (S) Judiciary OMB Component Number 2202

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY13	FY14	FY15	FY16	FY17
<b>OPERATING EXPENDITURES</b>								
Personal Services	***	***	***	***	***	***	***	***
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
<b>TOTAL</b>		<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Eileen Donahue, Division Operations Manager  
 Division Administrative Services  
 Approved by Michael C. Geraghty, Attorney General  
Department of Law

Phone 465-5427  
 Date/Time 2/24/12 6:15 PM  
 Date 2/24/2012

**FISCAL NOTE #2**

**STATE OF ALASKA  
2012 LEGISLATIVE SESSION**

**BILL NO. CSSB 210(JUD)**

**Analysis**

SB 210 makes changes to the substantive assault law by adopting new crimes addressing harm to children under 12 years old and to disabled children under 16 years old.

It also adopts new crimes prohibiting exposure to the use, manufacture, display, or delivery of controlled substances. It also makes changes in the crime of criminal nonsupport, and sentencing factors for crimes involving child victims.

The fiscal impact to Department of Law is indeterminate.

# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version CSSB 210(JUD)  
 Fiscal Note Number 3  
 (S) Publish Date 3/26/12

Identifier (file name) SB210-DPS-DET-02-24-12 Dept. Affected Public Safety  
 Title CRIMES AGAINST CHILDREN Appropriation Alaska State Troopers  
 Allocation AST Detachments  
 Sponsor Senator McGuire  
 Requester (S) JUD OMB Component Number 2325

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>	<b>FY13</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
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>0.0</b>

<b>FUND SOURCE</b>		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<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>

<b>POSITIONS</b>							
Full-time							
Part-time							
Temporary							

<b>CHANGE IN REVENUES</b>							

Estimated **SUPPLEMENTAL (FY12) operating costs** \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Not applicable, initial version.

Prepared by Lt. Rodney Dial  
 Division Alaska State Troopers  
 Approved by Joseph A. Masters, Commissioner  
Department of Public Safety

Phone (907) 247-4480  
 Date/Time 2/24/12 10:15 AM  
 Date 2/24/2012

FISCAL NOTE #3

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. CSSB 210(JUD)

**Analysis**

This bill amends AS 11.41.200 (Assault in the first degree) by adding sections to include a person 18 years of age or older, causing serious bodily harm to a child under the age of 16 years who has a disability, or a child under the age of 12 years. The bill also amends AS 11.41.210 (Assault in the second degree) by making similar changes.

The bill amends AS 11.51.100 (Endangering the welfare of a child in the first degree) by adding a section making it a crime to recklessly expose a child to the unlawful manufacture, use, display, or delivery of a schedule IA – VIA controlled substance, and by setting new penalties.

The bill makes changes to AS 11.51.120 (Criminal nonsupport) regarding monetary support and necessary food and water.

The bill amends AS 12.55.155 (Factors in aggravation and mitigation) by adding a new section regarding children who were seriously harmed that resulted in protracted and substantial impairment of the child's mental health.

The bill amends AS 28.15.046 (licensing of school bus drivers) to prevent the Department of Administration, Division of Motor Vehicles, from issuing a license to an applicant who has been convicted of "Endangering the welfare of a minor in the first degree" in the previous 20 years.

Finally, this bill amends AS 47.10.086 (Reasonable efforts) and AS 47.10.990 (Definitions) by adding sections referencing "Serious bodily harm."

Passage of this legislation will have no fiscal impact on the Division of Alaska State Troopers.

# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version CSSB 210(JUD)  
 Fiscal Note Number 4  
 (S) Publish Date 3/26/12

Identifier (file name) SB210-DOA-PDA-2-24-12 Dept. Affected Administration  
 Title Crimes Against Children Appropriation Legal and Advocacy Services  
 Allocation Public Defender Agency  
 Sponsor Senator McGuire  
 Requester Senate Judiciary OMB Component Number 1631

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY14	FY15	FY16	FY17	FY18	
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
<b>TOTAL OPERATING</b>	****	****	****	****	****	****	****	****

<b>FUND SOURCE</b>		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
<b>TOTAL</b>		****	****	****	****	****	****	****

<b>POSITIONS</b>								
Full-time								
Part-time								
Temporary								

<b>CHANGE IN REVENUES</b>								

Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Not applicable, initial version

Prepared by Quinlan Steiner  
 Division Public Defender Agency  
 Approved by John Cramer, Deputy Commissioner  
Department of Administration

Phone 907 334-4414  
 Date/Time 2/24/12 9:52 AM  
 Date 2/24/2012

## FISCAL NOTE #4

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. CSSB 210(JUD)

### Analysis

This bill amends AS 11.41.200(a) by adding several components regarding children to the definitions of assault in the first, second, and third degrees. Assault in the first degree is modified by including the following: an adult *intentionally* causing "serious bodily harm" to a child under 16 years of age with a disability, an adult *recklessly* causing "serious bodily harm" to a child under 12 years of age, and an adult *recklessly* causing "serious bodily harm" on multiple occasions to a child under the age 16 with a disability. Assault in the first degree is a class A felony that carries a sentence of up to 20 years imprisonment.

Assault in the second degree is modified by including the following: an adult *knowingly* causing serious "bodily harm" to a child under 16 years of age with a disability, an adult *recklessly* causing "physical injury" to a child under 12 years of age, and an adult *recklessly* causing "physical injury" on multiple occasions to a child under the age of 16 with a disability. Assault in the second degree is a class B felony that carries a sentence of up to 10 years imprisonment.

Assault in the third degree is modified by changing the age range, from 10 years of age to 12 years of age, when an adult causes physical injury to a child and the injury would cause a reasonable caregiver to seek medical attention from a healthcare professional and changes the age arrange from 10-16 years of age to 12-16 years of age when an adult *knowingly* causes "physical injury to a child and the injury reasonably requires medical treatment. Assault in the third degree is a class C felony that carries a sentence of up to five years imprisonment.

Additionally, this bill amends the crime of endangering the welfare of a minor by including exposing the child to various controlled substances. Penalties for violation of this provision range from a class A misdemeanor to a class B felony with a potential sentence of up to 10 years imprisonment. This bill also makes several changes to the statutes defining criminal non-support by including monetary support ordered in another jurisdiction and basic sustenance to the definition of "support," among others.

Finally, this bill makes changes to AS 12.55.155 by adding as an aggravator for sentencing crimes that resulted in serious bodily harm to a child that resulted in extended or substantial impairment to the child's mental health.

Although the Public Defender Agency cannot predict the number of new cases that will be charged nor the number of cases that will be upgraded to more serious felonies under this bill, these modifications are likely to increase the level, and therefore the cost, at which these cases are charged and litigated. The Agency, therefore, submits an indeterminate fiscal note.

# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version CSSB 210(JUD)  
 Fiscal Note Number 5  
 (S) Publish Date 3/26/12

Identifier (file name) SB210-ACS-TRC-2-24-2012 Dept. Affected Alaska Court System  
 Title Crimes Against Children Appropriation Trial Courts  
 Allocation \_\_\_\_\_  
 Sponsor Senator McGuire  
 Requester \_\_\_\_\_ OMB Component Number 768

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>	<b>FY13</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>

<b>FUND SOURCE</b>		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<b>TOTAL</b>		<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>	<b>****</b>

<b>POSITIONS</b>							
Full-time							
Part-time							
Temporary							

<b>CHANGE IN REVENUES</b>							

Estimated **SUPPLEMENTAL (FY12) operating costs** \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

**Initial version**

Prepared by Nancy Meade, General Counsel  
 Division Alaska Court System  
 Approved by Nancy Meade for Christine Johnson, Administrative Director  
Alaska Court System

Phone 907-463-4736  
 Date/Time 2/24/2012 1:00 p.m.  
 Date 2/24/2012

FISCAL NOTE #5

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. CSSB 210(JUD)

**Analysis**

Senate Bill 210 amends the definitions of certain crimes, including assault and endangering the welfare of a minor, by making certain activities either new crimes or more serious crimes. This could have the effect of changing the number and types of criminal cases that are filed with and handled by the court system.

Although the court does not anticipate a significant increase in new cases or in felony case filings, the changes made in this bill will likely result in at least some changes in the number or types of filings. The precise impact of the changes is speculative, however, and the court therefore submits an indeterminate fiscal note.

# FISCAL NOTE

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

Bill Version CSSB 210(JUD)  
Fiscal Note Number 6  
(S) Publish Date 3/26/12

Identifier (file name) SB210-DOA-DMV-2-24-2012 Dept. Affected Administration  
Title Crimes Against Children Appropriation Motor Vehicles  
Allocation Motor Vehicles  
Sponsor Senator McGuire  
Requester Senate Judiciary OMB Component Number 2348

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>	<b>FY13</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
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>0.0</b>

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<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>

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Not applicable, initial version

Prepared by Whitney Brewster  
Division Motor Vehicles  
Approved by John Cramer, Deputy Commissioner  
Department of Administration

Phone 907-269-5559  
Date/Time 2/24/12 5:15 PM  
Date 2/24/2012

**FISCAL NOTE #6**

**STATE OF ALASKA  
2012 LEGISLATIVE SESSION**

**BILL NO. CSSB 210(JUD)**

**Analysis**

This bill creates tougher penalties on crimes committed against a child. This bill impacts the Division of Motor Vehicles (DMV) by adding to the list of disqualifying offenses for school bus drivers. In addition to the current disqualifying offenses listed in AS 28.15.046, the DMV would be prohibited from issuing a school bus endorsement to someone who has been convicted of a newly created offense in SB 210 within 20 years of the time of application.

It is anticipated that this bill will have no fiscal impact on the Division of Motor Vehicles (DMV).

# ALASKA STATE LEGISLATURE

Session  
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Juneau, Alaska 99801-1182  
Phone (907) 465-2995  
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Interim  
716 West Fourth Avenue, Suite 430  
Anchorage, Alaska 99501  
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## SENATOR LESIL MCGUIRE

### Changes to CS SB 210 (27-LS1362\R) in House Judiciary CS for SB 210 (27-LS1362\S)

Please note that this analysis is not an authoritative interpretation of changes to the bill. The bill itself is the best statement of its contents.

**Title** The following changes were made to the Title of the bill:  
1. Inserted new language reflecting the change creating new sections 5 through 20.

**Section 1** The following changes were made to section 1:  
1. No changes.

**Section 2** The following changes were made to section 2:  
1. On version R page 2, lines 21 through 31 and on page 3 lines 1 through 10 were deleted.  
2. Is amended by adding a new section to read:

**Sec. 11.41.255 Definitions for AS 11.41.200-11.41.250:** Notwithstanding the definition of "serious physical injury" in AS 11.81.900(b), for the purpose offense against a child under 12 years of age under AS 11.41.200-11.41.250, unless the context requires otherwise, "serious physical injury" means (1) physical injury caused by an act performed under circumstances that create substantial risk of death; or (2) physical injury that terminates a pregnancy or causes (A) serious disfigurement (B) serious impairment of health by extensive bruising or other injury that would cause a reasonable person to seek medical attention for the child from a health care professional in the form of diagnosis or treatment; (C) serious impediment of blood circulation or breathing; or (D) protracted loss or impairment if the function of a body member or organ.

**Section 3** The following changes were made to section 3:  
1. On version R lines 12 and 13 were deleted.  
2. The new language amends the section to the section 3 AS 11.51.100 (a) the crime of endangering the welfare of a child in the first degree by adding the prohibition of recklessly failing to provide adequate amounts of food or liquids to a child, causing protracted impairment to a child's health.

**Section 4** The following changes were made to section 4:  
1. On version R lines 15 through 31 were deleted  
2. The new language amends AS 11.51.100(f) to add a to the bill that made the following change:  
Amended AS 11.51.100(f) Endangering the welfare of a child in the first degree under (1), (2), (4) of this section is a class C felony.

**Section 5** The following changes were made to section 4

1. On version R lines 1 was deleted.

**New Sections 5-7** Sections 5 through 7 were added amend the law (AS 12.47.040 and 12.47.060) addressing procedures for persons found to be guilty of a crime but mentally ill, by clarifying that the decision that the person is guilty but mentally ill must be made by the jury, by proof beyond a reasonable doubt, unless the defendant waives this requirement. Under AS 12.47.050(d), a person incarcerated and found guilty but mentally ill and still receiving treatment for a mental illness, is not eligible for parole release or furlough. For this reason, *Blakely v. Washington*, 542 U.S. 296 (2004) (*Blakely*) requires the decision relating to whether a person is guilty but mentally ill to be made by the jury by proof beyond a reasonable doubt

**New Section 8** amends AS 12.55.025(i), addressing sentencing procedures, to clarify that while the burden of proof in sentencing proceedings is generally by a preponderance of evidence, under AS 12.55 there are numerous statutes that specify a different burden of proof.

**New Section 9 and 10** provides that when a defendant enters into a plea agreement that calls for a specific term of probation or a specific term of suspended incarceration, the court, in a probation revocation proceeding, cannot unilaterally terminate or reduce those terms, except by the amount of incarceration time imposed for the offense that is the basis of the probation violation.

When a court imposes sentence for a probation violation in these cases, the court is not obligated to impose the full amount of remaining suspended time, but rather must consider the nature of the probation violation in light of applicable sentencing law and impose an appropriate sentence, subject to the caveat that its authority to impose an appropriate sentence does not include the authority to terminate or reduce the term of probation or the suspended term of imprisonment.

**New Section 11 and 12** amends AS 12.55.125 (sentences of imprisonment for felony convictions) to clarify that factual findings (1) that result in a mandatory term of imprisonment of 99 years for conviction of murder in the first degree; (2) result in a term that would preclude a defendant from being awarded good time under AS 33.20.010(a) – for example, a person sentenced under the “three strikes” law; or (3) would increase the presumptive sentencing range – for example, a person convicted of a class A felony who possessed a firearm – must be made by a jury by proof beyond a reasonable doubt, unless the defendant waives this requirement.

**New Section 13** provides that if one aggravating factor has been established, either by the court or the jury as required by law, additional aggravating factors may then be determined by the court by clear and convincing evidence rather than by the jury. The finding of one aggravating factor authorizes the court to sentence an individual up to the maximum term provided by law. An additional aggravating factor cannot increase the maximum term any more; thus the *Blakely* decision does not require that additional factors to be decided by a jury by proof beyond a reasonable doubt.

**New Section 14 and 15** make conforming amendments to the changes described in **Sections 9 and 10**.

**New Section 16 and 17** describe the indirect court rule changes and the applicability provisions.

**New Section 18** would adopt a task force to study the crimes of human trafficking, promoting prostitution (sex trafficking). It would require that the task force prepare a report describing the number of these cases reported to law enforcement in the state since 2007, the number of cases prosecuted under Alaska law, the number of cases investigated by local and federal law enforcement agencies, and the services available to victims of human trafficking.



## BOARD RESOLUTION OF THE CHILDREN'S PLACE

ADOPTED ON MARCH 14, 2012

The undersigned, being the Board Chair and Executive Director of The Children's Place "The Children's Place", a 501(c)(3) private, not for profit agency providing support and coordination of services related to the evaluation, investigation, and treatment of child abuse to the communities in the Matanuska-Susitna Valley, with the approval, direction, and concurrence of the Board of Directors of The Children's Place "The Board of Directors", hereby sign the following resolution in support of SB 210, "An Act Relating to Crimes Against Children":

### WHEREAS:

1. The Children's Place and the Board of Directors has become aware through presentation, research, and other important conversations brought by the Children's Justice Act Task Force that the State of Alaska has shortcomings in the current criminal laws regarding the prosecution of harm to children, and;
2. The Children's Place and the Board of Directors are aware that SB 210 works with the recommendations from the Children's Justice Act Task Force to create tougher penalties on crimes committed against children, and;
3. The Children's Place and the Board of Directors knows that in 2008, over 12,000 children were likely victims of at least one type of child maltreatment – approximately 34 children each day; that 1 out of every 5 infant deaths in Alaska is related to maltreatment; that Alaska has one of the highest rates of maltreatment-related infant mortality in the nation; and that child abuse has life-long implications including adverse effects on adult physical and mental health, and;
4. The Children's Place and the Board of Directors believes that young children may be unable to describe what has happened to them (due to age, developmental status or knowledge base) in a way that fits Alaska's current assault or strangulation statutes, and;
5. The Children's Place and the Board of Directors is aware that in some situations, current Alaska state laws do not allow perpetrators of serious child physical abuse and neglect to be held appropriately accountable, and;
6. The Children's Place and the Board of Directors believes that criminal penalties for harming children should be higher than those penalties for harming adults who are much more likely to be able to defend themselves, and;
7. The Children's Place and the Board of Directors requests the Legislature assist our future generations by providing them with laws that protect their rights and create safer communities for their growth and development.

### IT IS RESOLVED THAT:

The Children's Place and the Board of Directors urge your support for this legislation.

Kibe Lucas, Board Chair  
The Children's Place

Jennifer Burkmire, Executive Director  
The Children's Place