

SB

210

<TARGET><BILL>SB 210</BILL><SUBJECT>SB
210</SUBJECT><COMM>SFIN27</COMM></TARGET>

SENATE FINANCE COMMITTEE REPORT

DATE: 3/26/12

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SENATE BILL NO. 210

SB 210-CRIMES AGAINST CHILDREN

"An Act relating to crimes against children; establishing a new aggravating factor at sentencing in certain crimes against children; relating to criminal nonsupport; adding to the list of crimes against children that bar the Department of Public Safety from issuing to a person a license to drive a school bus; adding an exception to a provision that requires the Department of Health and Social Services to make timely, reasonable efforts to provide family support services to prevent out-of-home placement of a child; and providing for an effective date."

and recommends:

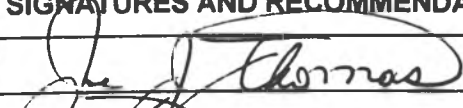




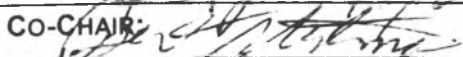

- be replaced with CS SB 210 (FIN) [] Same Title New Title
- [] adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LEG
CED	LAW
COR	LWF
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
COR		X		

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
ADM			X	6
CRT		X		5
ADM		X		4
DPS			X	3
LAW		X		2
ADM		X		1

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Thomas	✓			
	EGAN	✓			
	McGuire	✓			
	OLSON	✓			
	ELLIS	X			
CO-CHAIR: 	Hoffman	✓			
CO-CHAIR: 	Stedman	✓			

FISCAL NOTE

STATE OF ALASKA cost # codes
 2012 LEGISLATIVE SESSION

Bill Version SB 210(JUD)
 Fiscal Note Number _____
 Publish Date _____

Identifier (file name) SB 210-DOC-OC-03-16-12 Dept. Affected DOC
 Title "An Act relating to crimes against children; and providing for Appropriation Admin & Support
 Allocation Commissioner's Office
 Sponsor Senator McGuire
 Requester Senate 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					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	**	**	**	**	**	**	**	**

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)							
TOTAL		**	**	**	**	**	**	**

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)

Analysis reflects changes made in Senate Judiciary Committee

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 4/2/12 8:10 AM
 Date 4/2/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB 210

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.

This bill also adds a new section to existing statute 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 adequate food or liquids to a child, causing protracted impairment of the child's health.

And lastly, the bill further defines "serious physical injury".

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 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
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	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/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

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).

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
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	****	****	****	****	****	****	****

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)						
TOTAL		****	****	****	****	****	****

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)

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 4
 (S) Publish Date 3/26/12

Identifier (file name) SB210-DOA-PDA-2-24-12 Dept. Affected Administration 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
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	****	****	****	****	****	****	****

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)						
TOTAL		****	****	****	****	****	****

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 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 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
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	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/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

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 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 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	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services	***	***	***	***	***	***	***	***
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	***	***	***	***	***	***	***	***

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)							
TOTAL		***	***	***	***	***	***	***

POSITIONS

Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES

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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 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
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	****	****	****	****	****	****	****

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)						
TOTAL		****	****	****	****	****	****

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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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.

CS FOR SENATE BILL NO. 210(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR MCGUIRE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to crimes against children; and providing for an effective date."**

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

3 *** Section 1.** AS 11.41.220(a) is amended to read:

4 (a) A person commits the crime of assault in the third degree if that person

5 (1) recklessly

6 (A) places another person in fear of imminent serious physical
7 injury by means of a dangerous instrument;

8 (B) causes physical injury to another person by means of a
9 dangerous instrument; or

10 (C) while being 18 years of age or older,

11 (i) causes physical injury to a child under 12 [10] years
12 of age and the injury would cause a reasonable caregiver to seek
13 medical attention from a health care professional in the form of
14 diagnosis or treatment;

15 (ii) causes physical injury to a child under 12 [10] years

1 of age on more than one occasion;

2 (2) with intent to place another person in fear of death or serious
3 physical injury to the person or the person's family member, makes repeated threats to
4 cause death or serious physical injury to another person;

5 (3) while being 18 years of age or older, knowingly causes physical
6 injury to a child under 16 years of age but at least 12 [10] years of age and the injury
7 reasonably requires medical treatment;

8 (4) with criminal negligence, causes serious physical injury under
9 AS 11.81.900(b)(56)(B) to another person by means of a dangerous instrument; or

10 (5) commits a crime that is a violation of AS 11.41.230(a)(1) or (2)
11 and, within the preceding 10 years, the person was convicted on two or more separate
12 occasions of crimes under

13 (A) AS 11.41.100 - 11.41.170;

14 (B) AS 11.41.200 - 11.41.220, 11.41.230(a)(1) or (2),
15 11.41.280, or 11.41.282;

16 (C) AS 11.41.260 or 11.41.270;

17 (D) AS 11.41.410, 11.41.420, or 11.41.425(a)(1); or

18 (E) a law or ordinance of this or another jurisdiction with
19 elements similar to those of an offense described in (A) - (D) of this paragraph.

20 * **Sec. 2.** AS 11.51.100(a) is amended to read:

21 (a) A person commits the crime of endangering the welfare of a child in the
22 first degree if, being a parent, guardian, or other person legally charged with the care
23 of a child under 16 years of age, the person

24 (1) intentionally deserts the child in a place under circumstances
25 creating a substantial risk of physical injury to the child;

26 (2) leaves the child with another person who is not a parent, guardian,
27 or lawful custodian of the child knowing that the person is

28 (A) registered or required to register as a sex offender or child
29 kidnapper under AS 12.63 or a law or ordinance in another jurisdiction with
30 similar requirements;

31 (B) charged by complaint, information, or indictment with a

1 violation of AS 11.41.410 - 11.41.455 or a law or ordinance in another
2 jurisdiction with similar elements; or

3 (C) charged by complaint, information, or indictment with an
4 attempt, solicitation, or conspiracy to commit a crime described in (B) of this
5 paragraph; [OR]

6 (3) leaves the child with another person knowing that the person has
7 previously physically mistreated or had sexual contact with any child, and the other
8 person causes physical injury or engages in sexual contact with the child; or

9 (4) recklessly fails to provide adequate food or liquids to a child,
10 causing protracted impairment of the child's health.

11 * Sec. 3. AS 11.51.100(f) is amended to read:

12 (f) Endangering the welfare of a child in the first degree under (a)(1), (2), or
13 (4) [OR (2)] of this section is a class C felony.

14 * Sec. 4. AS 11.81.900(56) is amended to read:

15 (56) "serious physical injury" means

16 (A) physical injury to a person of any age caused by an act
17 performed under circumstances that create a substantial risk of death; [OR]

18 (B) physical injury to a person of any age that causes serious
19 and protracted disfigurement, protracted impairment of health, protracted loss
20 or impairment of the function of a body member or organ, or that unlawfully
21 terminates a pregnancy; or

22 (C) physical injury to a person under 12 years of age that
23 causes

24 (i) serious disfigurement;

25 (ii) impairment of health, by serious bruising or
26 other injury, that reasonably requires medical evaluation or
27 treatment by a health care professional;

28 (iii) loss or impairment of the function of a body
29 member or organ; or

30 (iv) serious impediment of blood circulation or
31 breathing;

1

* **Sec. 5.** This Act takes effect July 1, 2012.

Alaska State Legislature

Session:
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Juneau, AK 99801
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Senator Lesil McGuire

Sponsor Statement for 210

"An Act relating to crimes against children."

On February 8, 2012 the Children's Justice Task Force (CJA) a federally-mandated, state-wide multidisciplinary group presented their findings to the Joint Senate Judiciary and HESS Committees with their system recommendations for improvement through criminal legislation. I became aware through this presentation, research, and other important conversations that we have shortcomings in the current criminal laws regarding the prosecution of harm to children.

Those that suffer from these short comings are Alaska's children and the numbers are staggering. In 2008, approximately 12,400 children were likely victims of at least one incident of maltreatment, which breaks down to 34 children per day. In the instance of a child death, 1 out of every 5 was related to maltreatment.

SB 210 works with the recommendations from CJA to create tougher penalties on crimes committed against a child. The bill will create increased criminal liability for assaults to children by modifying the current definition of "serious physical injury" and increases penalties when a parent intentionally withholds adequate food or liquids.

Together, the Legislature can assist our future generations by providing them with laws that protect their rights and create safer communities for their growth and development. I urge your support for this legislation.



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

27-LS1362\T
Wayne
4/2/12

R/o 4/3/12

CS FOR SENATE BILL NO. 210()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR MCGUIRE

A BILL
FOR AN ACT ENTITLED

"An Act relating to crimes against children; and providing for an effective date."

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

*** Section 1.** AS 11.41.220(a) is amended to read:

(a) A person commits the crime of assault in the third degree if that person

(1) recklessly

(A) places another person in fear of imminent serious physical injury by means of a dangerous instrument;

(B) causes physical injury to another person by means of a dangerous instrument; or

(C) while being 18 years of age or older,

(i) causes physical injury to a child under 12 [10] years of age and the injury would cause a reasonable caregiver to seek medical attention from a health care professional in the form of diagnosis or treatment;

(ii) causes physical injury to a child under 12 [10] years

1 of age on more than one occasion;

2 (2) with intent to place another person in fear of death or serious
3 physical injury to the person or the person's family member, makes repeated threats to
4 cause death or serious physical injury to another person;

5 (3) while being 18 years of age or older, knowingly causes physical
6 injury to a child under 16 years of age but at least 12 [10] years of age and the injury
7 reasonably requires medical treatment;

8 (4) with criminal negligence, causes serious physical injury under
9 AS 11.81.900(b)(56)(B) to another person by means of a dangerous instrument; or

10 (5) commits a crime that is a violation of AS 11.41.230(a)(1) or (2)
11 and, within the preceding 10 years, the person was convicted on two or more separate
12 occasions of crimes under

13 (A) AS 11.41.100 - 11.41.170;

14 (B) AS 11.41.200 - 11.41.220, 11.41.230(a)(1) or (2),
15 11.41.280, or 11.41.282;

16 (C) AS 11.41.260 or 11.41.270;

17 (D) AS 11.41.410, 11.41.420, or 11.41.425(a)(1); or

18 (E) a law or ordinance of this or another jurisdiction with
19 elements similar to those of an offense described in (A) - (D) of this paragraph.

20 * **Sec. 2.** AS 11.51.100(a) is amended to read:

21 (a) A person commits the crime of endangering the welfare of a child in the
22 first degree if, being a parent, guardian, or other person legally charged with the care
23 of a child under 16 years of age, the person

24 (1) intentionally deserts the child in a place under circumstances
25 creating a substantial risk of physical injury to the child;

26 (2) leaves the child with another person who is not a parent, guardian,
27 or lawful custodian of the child knowing that the person is

28 (A) registered or required to register as a sex offender or child
29 kidnapper under AS 12.63 or a law or ordinance in another jurisdiction with
30 similar requirements;

31 (B) charged by complaint, information, or indictment with a

1 violation of AS 11.41.410 - 11.41.455 or a law or ordinance in another
2 jurisdiction with similar elements; or

3 (C) charged by complaint, information, or indictment with an
4 attempt, solicitation, or conspiracy to commit a crime described in (B) of this
5 paragraph; [OR]

6 (3) leaves the child with another person knowing that the person has
7 previously physically mistreated or had sexual contact with any child, and the other
8 person causes physical injury or engages in sexual contact with the child; or

9 **(4) recklessly fails to provide adequate food or liquids to a child,**
10 **causing protracted impairment of the child's health.**

11 * Sec. 3. AS 11.51.100(f) is amended to read:

12 (f) Endangering the welfare of a child in the first degree under (a)(1), (2), or
13 (4) [OR (2)] of this section is a class C felony.

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15 (56) "serious physical injury" means

16 (A) physical injury to a person of any age caused by an act
17 performed under circumstances that create a substantial risk of death; [OR]

18 (B) physical injury to a person of any age that causes serious
19 and protracted disfigurement, protracted impairment of health, protracted loss
20 or impairment of the function of a body member or organ, or that unlawfully
21 terminates a pregnancy; or

22 **(C) physical injury to a person under 12 years of age that**
23 **causes**

24 **(i) serious disfigurement;**

25 **(ii) impairment of health, by serious bruising or**
26 **other injury, that reasonably requires medical evaluation or**
27 **treatment by a health care professional;**

28 **(iii) loss or impairment of the function of a body**
29 **member or organ; or**

30 **(iv) serious impediment of blood circulation or**
31 **breathing;**

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* **Sec. 5.** This Act takes effect July 1, 2012.

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