

SB

210

<TARGET><BILL>SB 210</BILL><SUBJECT>SB
210</SUBJECT><COMM>SJUD27</COMM></TARGET>

Alaska State Legislature

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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 includes several different measures including modifying statutes to create increased criminal liability for assaults to children, strengthens statutes regarding exposure of children to drugs, increases penalties when a parent intentionally withholds adequate food or liquids, and creates a criminal law that prohibits an incarcerated person from contacting a victim prior to trial and sentencing.

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.

CS FOR SENATE BILL NO. 210(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY 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 caused by an act performed under
17 circumstances that create a substantial risk of death; [OR]

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

27-LS1362M
Wayne
2/24/12

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.

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

15 (56) "serious physical injury" means

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

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

22 (C) physical injury to a person under 16 years of age that
23 causes

24 (i) serious disfigurement;

25 (ii) impairment of health, by bruising or other
26 injury, that reasonably requires medical diagnosis or treatment;

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

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

31 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

27-LS1362\D
Wayne
3/15/12

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

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

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

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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;

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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
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6 injury to a child under 16 years of age but at least 12 [10] years of age and the injury
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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;

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27 or lawful custodian of the child knowing that the person is

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29 kidnapper under AS 12.63 or a law or ordinance in another jurisdiction with
30 similar requirements;

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1 violation of AS 11.41.410 - 11.41.455 or a law or ordinance in another
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3 (C) charged by complaint, information, or indictment with an
4 attempt, solicitation, or conspiracy to commit a crime described in (B) of this
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7 previously physically mistreated or had sexual contact with any child, and the other
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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.

DOL suggests

SB 210

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

(56) "serious physical injury" means

(A) physical injury caused by an act performed under circumstances that create a substantial risk of death; [OR]

(B) physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy; or

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

(i) serious disfigurement;

(ii) impairment of health, by extensive and serious bruising or *other*
evaluation
injury, that reasonably requires medical diagnosis or treatment;

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

(iv) serious impediment of blood circulation or breathing;

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version SB 210
 Fiscal Note Number _____
 () Publish Date _____
 Dept. Affected Law
 Appropriation Criminal
 Allocation Criminal Justice Litigation
 OMB Component Number 2202

Identifier (file name) SB210-LAW-CRIM-02-24-12
 Title An Act relating to crimes against children; establishing a new aggravating factor at sentencing in certain...
 Sponsor Senator MCGUIRE
 Requester (S) Judiciary

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								
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

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB 210

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 SB210-ACS-TRC-2-24-12
 Fiscal Note Number _____
 Publish Date _____

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

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB210-ACS-TRC-2-24-12

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 SB210
Fiscal Note Number _____
() Publish Date _____

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
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

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB210

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 SB210
Fiscal Note Number _____
() Publish Date _____

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)

	FY13	FY13	FY14	FY15	FY16	FY17	FY18
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	0.0

POSITIONS

	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

	FY13	FY13	FY14	FY15	FY16	FY17	FY18

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

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB210

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 SB210
Fiscal Note Number _____
() Publish Date _____

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

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB210

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).



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Mom Arrested for Emotional, Physical Abuse of Adopted Children

Anya James, 50, was arrested Tuesday and is charged with ten counts of kidnapping and six counts of first-degree assault.

By Colleen Kelly



An Anchorage mom has been arrested for subjecting her six adopted children to years of emotional and physical abuse, according to Anchorage police.

Following an eight-month investigation, 50-year-old Anya James now faces criminal offenses for the gross mistreatment of her children. James was arrested Tuesday and is charged with ten counts of kidnapping and six counts of first-degree assault.

APD Detective Chris Thomas began the investigation in early October 2010 after receiving a claim of child abuse against four of James' children living in her Hillside home. That same month, several of James' children were removed from the home and hospitalized due to severe malnourishment.

The investigation further revealed that due to malnourishment, James' adopted children endured stunted growth, which prevented some of them from going through puberty during their teenage years.

According to police, the children were confined to small rooms with alarms rigged up to the doors and windows to alert James if the children tried to escape. The mother also used audio and video monitors to oversee the children's activity and conversations.

Despite three functioning bathrooms inside the home, the children were forced to use a bucket filled with kitty litter instead of a toilet placed inside the small rooms.

James is currently booked at the Anchorage Jail; her bail is set at \$100,000 cash plus third-party custodian. She will not have contact with any of her adopted children or minors under 16 years old, according to police. She will be arraigned in Superior Court Wednesday afternoon at the Nesbitt Courthouse in downtown Anchorage.

Between 2000 and 2010, James fostered and adopted six children and collected more than \$750,000 in adoption subsidies from the State of Alaska.

If you have information about children living under James' care before 2000, contact Anchorage Police Detective Chris Thomas at 786-2628.

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Mom pleads guilty to putting needles in boy's stomach

Anchorage Daily News
Published: February 25th, 2011 10:42 PM
Last Modified: February 28th, 2011 04:45 PM

A 29-year-old Anchorage woman pleaded guilty Friday to first-degree assault and two counts of second-degree assault for abuse of her 5-year-old son that included putting needles in his stomach, according to the Anchorage District Attorney's office.

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Lily Doss-Puder entered her plea before state Superior Court Judge Michael Wolverton, who scheduled sentencing for May, the office said.

The case against her arose last June, when her son was admitted to the hospital for emergency surgery and doctors found three sewing needles in his stomach. Anchorage Police Detective Chris Thomas investigated and, in a review of the child's medical records, found a pattern of injuries to the boy dating to June 2009, the District Attorney's office said.

When Thomas interviewed Doss-Puder, she admitted inserting the needles into her son's stomach, intentionally cutting the webbing of his hand with a knife and intentionally hitting him on the head with a 2-pound weight, the office said.

In exchange for her pleas, Doss-Puder will be sentenced to 18 years in prison with six years suspended, and she won't be allowed to contact her son until he is 18, the District Attorney's office said.

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