

**HB**

**73**

<TARGET><BILL>HB 73</BILL><SUBJECT>HB  
73</SUBJECT><COMM>HFIN28</COMM></TARGET>

Note:

4/2/13

SB 22 is the  
companion bill to HB 73.  
It will be the bill  
the committee will act  
on, but it is still  
pending referral.

28-GS1587\Y

**CS FOR SENATE BILL NO. 22(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/28/13

Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the commencement of actions for felony sex trafficking and felony  
2 human trafficking; relating to the crime of sexual assault; relating to the crime of  
3 unlawful contact; relating to forfeiture for certain crimes involving prostitution; relating  
4 to the time in which to commence certain prosecutions; relating to release in a  
5 prosecution for stalking or a crime involving domestic violence or for violation of a  
6 condition of release in connection with a crime involving domestic violence; relating to  
7 interception of private communications for certain sex trafficking or human trafficking  
8 offenses; relating to use of evidence of sexual conduct concerning victims of certain  
9 crimes; relating to consideration at sentencing of the effect of a crime on the victim;  
10 relating to the time to make an application for credit for time served in a treatment  
11 program or while in other custody; relating to suspending imposition of sentence for sex  
12 trafficking; relating to consecutive sentences for convictions of certain crimes involving

1 child pornography or indecent materials to minors; relating to the referral of sexual  
 2 felonies to a three-judge panel; relating to the definition of 'sexual felony' for sentencing  
 3 and probation for conviction of certain crimes; relating to the definition of 'sex offense'  
 4 regarding sex offender registration; relating to the definition of 'victim counseling  
 5 centers' for disclosure of certain communications concerning sexual assault or domestic  
 6 violence; relating to violent crimes compensation; relating to certain information in  
 7 retention election of judges concerning sentencing of persons convicted of felonies;  
 8 relating to remission of sentences for certain sexual felony offenders; relating to forms  
 9 for sexual assault, stalking, and domestic violence protective orders; relating to the  
 10 subpoena power of the attorney general in cases involving the use of an Internet service  
 11 account; relating to reasonable efforts in child-in-need-of-aid cases involving sexual  
 12 abuse or sex offender registration; relating to mandatory reporting by athletic coaches  
 13 of child abuse or neglect; making conforming amendments; amending Rules 16,  
 14 32.1(b)(1), and 32.2(a), Alaska Rules of Criminal Procedure, and Rules 404(a) and (b),  
 15 Alaska Rules of Evidence; and providing for an effective date."

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

17 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
 18 to read:

19 **LEGISLATIVE FINDINGS AND INTENT FOR SECS. 21 AND 22 OF THIS ACT.**

20 (a) The legislature reaffirms the findings made by the Senate letter of intent for ch. 14, SLA  
 21 2006, as published in the 2006 Senate Journal dated February 16, 2006, on pages 2207 - 2214.

22 (b) The legislature finds that

23 (1) in 2006, the legislature did not intend, by enacting ch. 14, SLA 2006, and  
 24 the legislature does not now intend to create new or additional means for a defendant  
 25 convicted of a sexual felony and sentenced under AS 12.55.125(i) to obtain referral to a three-  
 26 judge panel;

1 (2) the legislature did not, in 2006, intend nor does the legislature now intend  
 2 for a court to create new or additional means for a defendant convicted of a sexual felony and  
 3 sentenced under AS 12.55.125(i) to obtain referral to a three-judge panel.

4 (c) It is the intent of the legislature in AS 12.55.165, as amended by sec. 21 of this  
 5 Act, and AS 12.55.175, as amended by sec. 22 of this Act, to overturn the majority decision in  
 6 *Collins v. State*, 287 P.3d 791 (Alaska App. 2012), and to endorse the dissenting opinion in  
 7 the same case.

8 \* **Sec. 2.** AS 09.10.065(a) is amended to read:

9 (a) A person may bring an action at any time for conduct that would have, at  
 10 the time the conduct occurred, violated provisions of any of the following offenses:

- 11 (1) felony sexual abuse of a minor;
- 12 (2) felony sexual assault; [OR]
- 13 (3) unlawful exploitation of a minor;
- 14 **(4) felony sex trafficking; or**
- 15 **(5) felony human trafficking.**

16 \* **Sec. 3.** AS 11.41.425(a) is amended to read:

17 (a) An offender commits the crime of sexual assault in the third degree if the  
 18 offender

- 19 (1) engages in sexual contact with a person who the offender knows is
  - 20 (A) mentally incapable;
  - 21 (B) incapacitated; or
  - 22 (C) unaware that a sexual act is being committed;

23 (2) while employed in a state correctional facility or other placement  
 24 designated by the commissioner of corrections for the custody and care of prisoners,  
 25 engages in sexual penetration with a person who the offender knows is committed to  
 26 the custody of the Department of Corrections to serve a term of imprisonment or  
 27 period of temporary commitment;

28 (3) engages in sexual penetration with a person 18 or 19 years of age  
 29 who the offender knows is committed to the custody of the Department of Health and  
 30 Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of  
 31 the person; [OR]

1 (4) while employed in the state by a law enforcement agency as a  
 2 peace officer, or while acting as a peace officer in the state, engages in sexual  
 3 penetration with a person with reckless disregard that the person is in the custody or  
 4 the apparent custody of the offender, or is committed to the custody of a law  
 5 enforcement agency;

6 (5) while employed by the state or a municipality of the state as a  
 7 probation officer or parole officer, or while acting as a probation officer or  
 8 parole officer in the state, engages in sexual penetration with a person with  
 9 reckless disregard that the person is on probation or parole; or

10 (6) while employed as a juvenile probation officer or as a juvenile  
 11 facility staff, engages in sexual penetration with a person 18 or 19 years of age  
 12 with reckless disregard that the person is committed to the custody or  
 13 probationary supervision of the Department of Health and Social Services.

14 \* Sec. 4. AS 11.41.425(b) is repealed and reenacted to read:

15 (b) In this section,

16 (1) "juvenile facility staff" means a person employed in a juvenile  
 17 detention or treatment facility;

18 (2) "juvenile probation officer" means a person assigned to supervise  
 19 another person 18 or 19 years of age who is committed to the probationary supervision  
 20 of the Department of Health and Social Services;

21 (3) "parole officer" has the meaning given in AS 18.65.290;

22 (4) "peace officer" has the meaning given in AS 01.10.060;

23 (5) "probation officer" includes a

24 (A) probation officer as defined in AS 18.65.290; or

25 (B) person who supervises a participant in a specialty court,  
 26 including a therapeutic or wellness court addressing alcohol or drug use, a  
 27 court addressing the needs of veterans, an adult or juvenile mental health court,  
 28 a fetal alcohol spectrum disorder court, or a family care or preservation court.

29 \* Sec. 5. AS 11.41.427(a) is amended to read:

30 (a) An offender commits the crime of sexual assault in the fourth degree if

31 (1) while employed in a state correctional facility or other placement

1 designated by the commissioner of corrections for the custody and care of prisoners,  
 2 the offender engages in sexual contact with a person who the offender knows is  
 3 committed to the custody of the Department of Corrections to serve a term of  
 4 imprisonment or period of temporary commitment;

5 (2) the offender engages in sexual contact with a person 18 or 19 years  
 6 of age who the offender knows is committed to the custody of the Department of  
 7 Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal  
 8 guardian of the person; [OR]

9 (3) while employed in the state by a law enforcement agency as a  
 10 peace officer, or while acting as a peace officer in the state, the offender engages in  
 11 sexual contact with a person with reckless disregard that the person is in the custody or  
 12 the apparent custody of the offender, or is committed to the custody of a law  
 13 enforcement agency;

14 **(4) while employed by the state or a municipality of the state as a**  
 15 **probation officer or parole officer, or while acting as a probation officer or**  
 16 **parole officer in the state, engages in sexual contact with a person with reckless**  
 17 **disregard that the person is on probation or parole; or**

18 **(5) while employed as a juvenile probation officer or as a juvenile**  
 19 **facility staff, engages in sexual contact with a person 18 or 19 years of age with**  
 20 **reckless disregard that the person is committed to the custody or probationary**  
 21 **supervision of the Department of Health and Social Services.**

22 \* Sec. 6. AS 11.41.427(b) is repealed and reenacted to read:

23 (b) In this section,

24 (1) "juvenile facility staff" has the meaning given in AS 11.41.425;

25 (2) "juvenile probation officer" has the meaning given in  
 26 AS 11.41.425;

27 (3) "parole officer" has the meaning given in AS 18.65.290;

28 (4) "peace officer" has the meaning given in AS 01.10.060;

29 (5) "probation officer" has the meaning given in AS 11.41.425.

30 \* Sec. 7. AS 11.41.432(a) is amended to read:

31 (a) It is a defense to a crime charged under AS 11.41.410(a)(3),

1 11.41.420(a)(2), 11.41.420(a)(3), [OR] 11.41.425, or 11.41.427 that the offender is

2 (1) mentally incapable; or

3 (2) married to the person and neither party has filed with the court for a  
4 separation, divorce, or dissolution of the marriage.

5 \* **Sec. 8.** AS 11.41.432 is amended by adding a new subsection to read:

6 (c) It is an affirmative defense to a crime charged under AS 11.41.425(a)(5) or  
7 11.41.427(a)(4) that the offender and the person on probation or parole had, before the  
8 person was placed on probation or parole, a dating relationship or a sexual  
9 relationship, and the relationship continued until the date of the alleged offense.

10 \* **Sec. 9.** AS 11.56.750(a) is amended to read:

11 (a) A person commits the crime of unlawful contact in the first degree if the  
12 person

13 (1) has been ordered

14 (A) by the court not to contact a victim or witness of the  
15 offense

16 (i) as [(A)] part of a sentence imposed under  
17 AS 12.55.015;

18 (ii) as [OR (B)] a condition of [(i)] release under  
19 AS 12.30 or [(ii)] probation under AS 12.55.101; or

20 (iii) while under official detention; or

21 (B) as a condition of parole not to contact a victim or  
22 witness of the offense under AS 33.16.150 [PAROLE UNDER  
23 AS 33.16.150]; and

24 (2) either directly or indirectly, knowingly contacts or attempts to  
25 contact the victim or witness in violation of the order.

26 \* **Sec. 10.** AS 11.66.145 is amended to read:

27 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or  
28 received or derived from, a violation of AS 11.66.100 - 11.66.135 may  
29 [AS 11.66.100(c) OR 11.66.110 - 11.66.135 SHALL] be forfeited at sentencing.

30 \* **Sec. 11.** AS 12.10.010 is amended to read:

31 **Sec. 12.10.010. General time limitations.** (a) Prosecution for the following

1 offenses may be commenced at any time:

- 2 (1) murder;
- 3 (2) attempt, solicitation, or conspiracy to commit murder or hindering  
4 the prosecution of murder;
- 5 (3) felony sexual abuse of a minor;
- 6 (4) sexual assault that is an unclassified, class A, or class B felony or a  
7 violation of AS 11.41.425(a)(2) - (4);
- 8 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,  
9 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person  
10 who, at the time of the offense, was under 18 years of age;
- 11 (6) kidnapping;
- 12 **(7) distribution of child pornography in violation of AS 11.61.125;**
- 13 **(8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an**  
14 **unclassified, class A, or class B felony or that is committed against a person who,**  
15 **at the time of the offense, was under 20 years of age;**
- 16 **(9) human trafficking in violation of AS 11.41.360 or 11.41.365.**

17 (b) Except as otherwise provided by law or in (a) of this section, a person may  
18 not be prosecuted, tried, or punished for an offense unless the indictment is found or  
19 the information or complaint is instituted not later than

- 20 (1) 10 years after the commission of a felony offense in violation of  
21 **AS 11.41.120 - 11.41.330** [AS 11.41.120 - 11.41.370], 11.41.425(a)(1),  
22 **11.41.425(a)(5), 11.41.425(a)(6),** or 11.41.450 - 11.41.458; or
- 23 (2) five years after the commission of any other offense.

24 \* **Sec. 12.** AS 12.30.016(e) is amended to read:

25 (e) In a prosecution charging the crime of stalking that is not a crime involving  
26 domestic violence, a judicial officer may order the person to

- 27 (1) follow the provisions of any protective order to which the person is  
28 respondent;
- 29 (2) refrain from contacting, in any manner, including by telephone or  
30 electronic communication, the victim;
- 31 (3) engage in counseling; if available in the community, the judicial

1 officer shall require that counseling ordered include counseling about alternatives to  
2 aggressive behavior;

3 **(4) participate in a monitoring program with a global positioning**  
4 **device or similar technological means that meets guidelines for a monitoring**  
5 **program adopted by the Department of Corrections in consultation with the**  
6 **Department of Public Safety.**

7 \* Sec. 13. AS 12.30.027(a) is amended to read:

8 (a) Before ordering release before or after trial, or pending appeal, of a person  
9 charged with or convicted of a crime involving domestic violence, the judicial officer  
10 shall consider the safety of the victim or other household member. To protect the  
11 victim, household member, other persons, and the community and to reasonably  
12 **ensure** [ASSURE] the person's appearance, the judicial officer

13 **(1)** shall impose conditions required under AS 12.30.011;

14 **(2)** [, AND] may impose any of the conditions authorized under  
15 AS 12.30.011;

16 **(3) may impose** [,] any of the provisions of AS 18.66.100(c)(1) - (7)  
17 and (11);

18 **(4) may order the person to participate in a monitoring program**  
19 **with a global positioning device or similar technological means that meets**  
20 **guidelines for a monitoring program adopted by the Department of Corrections**  
21 **in consultation with the Department of Public Safety;** [,] and

22 **(5) may impose** any other condition necessary to protect the victim,  
23 household member, other persons, and the community, and to ensure the appearance  
24 of the person in court, including ordering the person to refrain from the consumption  
25 of alcohol.

26 \* Sec. 14. AS 12.30.027(e) is amended to read:

27 (e) A person arrested for a crime involving domestic violence **or for violation**  
28 **of a condition of release in connection with a crime involving domestic violence**  
29 may not be released from custody until the person has appeared in person before a  
30 judicial officer or telephonically for arraignment.

31 \* Sec. 15. AS 12.37.010 is amended to read:

1           **Sec. 12.37.010. Authorization to intercept communications.** The attorney  
 2 general, or a person designated in writing or by law to act for the attorney general,  
 3 may authorize, in writing, an ex parte application to a court of competent jurisdiction  
 4 for an order authorizing the interception of a private communication if the interception  
 5 may provide evidence of, or may assist in the apprehension of persons who have  
 6 committed, are committing, or are planning to commit, the following offenses:

7                   (1) murder in the first or second degree under AS 11.41.100 -  
 8 11.41.110;

9                   (2) kidnapping under AS 11.41.300; [OR]

10                  (3) a class A or unclassified felony drug offense under AS 11.71;

11                   **(4) sex trafficking in the first or second degree under AS 11.66.110**  
 12 **and 11.66.120; or**

13                   **(5) human trafficking in the first degree under AS 11.41.360.**

14 \* **Sec. 16.** AS 12.45.045(a) is amended to read:

15           (a) In prosecutions for the crimes of sexual assault in any degree, sexual abuse  
 16 of a minor in any degree, [OR] unlawful exploitation of a minor, or an attempt to  
 17 commit any of these crimes, evidence of the [COMPLAINING WITNESS'  
 18 PREVIOUS] sexual conduct **of the complaining witness, occurring either before or**  
 19 **after the offense charged,** may not be admitted nor may reference be made to it in the  
 20 presence of the jury except as provided in this section. When the defendant seeks to  
 21 admit the evidence for any purpose, the defendant shall apply for an order of the court  
 22 **not later than five days** [AT ANY TIME] before [OR DURING THE] trial **or at a**  
 23 **later time as the court may, for good cause, permit. The defendant may, for good**  
 24 **cause shown, apply for an order during trial if the request is based on**  
 25 **information learned after the deadline or during the trial** [OR PRELIMINARY  
 26 HEARING]. After the application is made, the court shall conduct a hearing in camera  
 27 to determine the admissibility of the evidence. If the court finds that evidence offered  
 28 by the defendant regarding the sexual conduct of the complaining witness is relevant,  
 29 and that the probative value of the evidence offered is not outweighed by the  
 30 probability that its admission will create undue prejudice, confusion of the issues, or  
 31 unwarranted invasion of the privacy of the complaining witness, the court shall make

1 an order stating what evidence may be introduced and the nature of the questions that  
2 may be permitted. The defendant may then offer evidence under the order of the court.

3 \* **Sec. 17.** AS 12.55.025 is amended by adding new subsections to read:

4 (k) If a defendant intends to claim credit under AS 12.55.027 toward a  
5 sentence of imprisonment for time spent in a treatment program as a condition of bail  
6 in connection with an offense for which the defendant is being sentenced, the  
7 defendant shall file notice with the court and the prosecutor 10 days before the  
8 sentencing hearing. The notice shall include the number of days the defendant is  
9 claiming. The defendant must prove by a preponderance of evidence that the  
10 requirements of AS 12.55.027 are met before credit may be awarded. Except as  
11 provided in (l) of this section, except for good cause, a court may not consider a  
12 request for credit made under this subsection more than 90 days after the sentencing  
13 hearing.

14 (l) If a defendant intends to claim credit under AS 12.55.027 toward a  
15 sentence of imprisonment for time spent in a treatment program as a condition of bail  
16 while pending appeal, the defendant shall file notice with the court and the prosecutor  
17 not later than 90 days after return of the case to the trial court following appeal. The  
18 notice shall include the number of days the defendant is claiming. The defendant must  
19 prove by a preponderance of evidence that the requirements of AS 12.55.027 are met  
20 before credit may be awarded. Except for good cause, the court may not consider a  
21 request for credit made under this subsection after the deadline.

22 \* **Sec. 18.** AS 12.55.027 is amended by adding a new subsection to read:

23 (e) If a defendant intends to claim credit toward a sentence of imprisonment  
24 for time spent in a treatment program either as a condition of probation or as a  
25 condition of bail release after a petition to revoke probation has been filed, the  
26 defendant shall file notice with the court and the prosecutor 10 days before the  
27 disposition hearing. The notice shall include the amount of time the defendant is  
28 claiming. The defendant must prove by a preponderance of the evidence that the credit  
29 claimed meets the requirements of this section. A court may not consider, except for  
30 good cause, a request for credit made under this subsection more than 90 days after the  
31 disposition hearing.

1 \* **Sec. 19.** AS 12.55.085(f) is amended to read:

2 (f) The court may not suspend the imposition of sentence of a person who

3 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260  
4 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400, [OR]  
5 AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.135;

6 (2) uses a firearm in the commission of the offense for which the  
7 person is convicted; or

8 (3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony  
9 and the person has one or more prior convictions for a misdemeanor violation of  
10 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction  
11 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a  
12 felony in this state; for the purposes of this paragraph, a person shall be considered to  
13 have a prior conviction even if that conviction has been set aside under (e) of this  
14 section or under the equivalent provision of the laws of another jurisdiction.

15 \* **Sec. 20.** AS 12.55.127 is amended by adding a new subsection to read:

16 (e) If the defendant is being sentenced for two or more crimes of distribution  
17 of child pornography under AS 11.61.125, possession of child pornography under  
18 AS 11.61.127, or distribution of indecent material to minors under AS 11.61.128, a  
19 consecutive term of imprisonment shall be imposed for some additional term of  
20 imprisonment for each additional crime or each additional attempt or solicitation to  
21 commit the offense.

22 \* **Sec. 21.** AS 12.55.165 is amended by adding a new subsection to read:

23 (c) A court may not refer a case to a three-judge panel under (a) of this section  
24 if the defendant is being sentenced for a sexual felony under AS 12.55.125(i) and the  
25 request for the referral is based solely on the claim that the defendant, either singly or  
26 in combination, has

27 (1) prospects for rehabilitation that are less than extraordinary; or

28 (2) a history free of unprosecuted, undocumented, or undetected sexual  
29 offenses.

30 \* **Sec. 22.** AS 12.55.175 is amended by adding a new subsection to read:

31 (f) A defendant being sentenced for a sexual felony under AS 12.55.125(i)

1 may not establish, nor may the three-judge panel find under (b) of this section or any  
 2 other provision of law, that manifest injustice would result from imposition of a  
 3 sentence within the presumptive range based solely on the claim that the defendant,  
 4 either singly or in combination, has

5 (1) prospects for rehabilitation that are less than extraordinary; or

6 (2) a history free of unprosecuted, undocumented, or undetected sexual  
 7 offenses.

8 \* **Sec. 23.** AS 12.55.185(16) is amended to read:

9 (16) "sexual felony" means sexual assault in the first degree, sexual  
 10 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault  
 11 in the second degree, sexual abuse of a minor in the second degree, unlawful  
 12 exploitation of a minor, distribution of child pornography, sexual assault in the third  
 13 degree, incest, indecent exposure in the first degree, possession of child pornography,  
 14 online enticement of a minor, and felony attempt, conspiracy, or solicitation to  
 15 commit those crimes;

16 \* **Sec. 24.** AS 12.63.100(6) is amended to read:

17 (6) "sex offense" means

18 (A) a crime under AS 11.41.100(a)(3), or a similar law of  
 19 another jurisdiction, in which the person committed or attempted to commit a  
 20 sexual offense, or a similar offense under the laws of the other jurisdiction; in  
 21 this subparagraph, "sexual offense" has the meaning given in  
 22 AS 11.41.100(a)(3);

23 (B) a crime under AS 11.41.110(a)(3), or a similar law of  
 24 another jurisdiction, in which the person committed or attempted to commit  
 25 one of the following crimes, or a similar law of another jurisdiction:

26 (i) sexual assault in the first degree;

27 (ii) sexual assault in the second degree;

28 (iii) sexual abuse of a minor in the first degree; or

29 (iv) sexual abuse of a minor in the second degree; or

30 (C) a crime, or an attempt, solicitation, or conspiracy to commit  
 31 a crime, under the following statutes or a similar law of another jurisdiction:

- 1 (i) AS 11.41.410 - 11.41.438;  
 2 (ii) AS 11.41.440(a)(2);  
 3 (iii) AS 11.41.450 - 11.41.458;  
 4 (iv) AS 11.41.460 if the indecent exposure is before a  
 5 person under 16 years of age and the offender has a previous conviction  
 6 for that offense;  
 7 (v) AS 11.61.125 - 11.61.128;  
 8 (vi) AS 11.66.110 or 11.66.130(a)(2) if the person who  
 9 was induced or caused to engage in prostitution was under 20 [16 OR  
 10 17] years of age at the time of the offense;  
 11 (vii) former AS 11.15.120, former 11.15.134, or assault  
 12 with the intent to commit rape under former AS 11.15.160, former  
 13 AS 11.40.110, or former 11.40.200; [OR]  
 14 (viii) AS 11.61.118(a)(2) if the offender has a previous  
 15 conviction for that offense; **or**  
 16 **(ix) AS 11.66.100(a)(2) if the offender is subject to**  
 17 **punishment under AS 11.66.100(c);**

18 \* **Sec. 25.** AS 18.65.865(b) is amended to read:

19 (b) The Alaska Court System shall prepare forms for petitions and protective  
 20 orders and instructions for their use by a person seeking a protective order under  
 21 AS 18.65.850 - 18.65.860. The forms must conform to the Alaska Rules of Civil  
 22 Procedure, except that information on the forms may be filled in by legible  
 23 handwriting. Filing fees may not be charged in any action seeking only the relief  
 24 provided in AS 18.65.850 - 18.65.870. Each protective order form must contain the  
 25 following warning in boldface type: "Violation of this order may be a misdemeanor,  
 26 punishable by up to one year of incarceration and a fine of up to **\$10,000** [\$5,000]."

27 \* **Sec. 26.** AS 18.66.130(d) is amended to read:

28 (d) In addition to other required information contained in a protective order,  
 29 the order must include in bold face type the following statements:

30 (1) "Violation of this order may be a misdemeanor, punishable by up  
 31 to one year of incarceration and up to a **\$10,000** [\$5,000] fine";

1 (2) "If you are ordered to have no contact with the petitioner or to stay  
2 away from the petitioner's residence, vehicle, or other place designated by the court,  
3 an invitation by the petitioner to have the prohibited contact or to be present at or enter  
4 the residence, vehicle, or other place does not in any way invalidate or nullify the  
5 order."

6 \* **Sec. 27.** AS 18.66.250(5) is amended to read:

7 (5) "victim counseling center" means a private organization, an  
8 organization operated by or contracted by a branch of the armed forces of the  
9 United States, or a local government agency that

10 (A) has, as one of its primary purposes, the provision of direct  
11 services to victims for trauma resulting from a sexual assault or domestic  
12 violence;

13 (B) is not affiliated with a law enforcement agency or a  
14 prosecutor's office; and

15 (C) is not on contract with the state to provide services under  
16 AS 47;

17 \* **Sec. 28.** AS 18.67.101 is amended to read:

18 **Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The  
19 board may order the payment of compensation in accordance with the provisions of  
20 this chapter for personal injury or death that resulted from

21 (1) an attempt on the part of the applicant to prevent the commission of  
22 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police  
23 officer to do so, or aiding a victim of crime; or

24 (2) the commission or attempt on the part of one other than the  
25 applicant to commit any of the following offenses:

26 (A) murder in any degree;

27 (B) manslaughter;

28 (C) criminally negligent homicide;

29 (D) assault in any degree;

30 (E) kidnapping;

31 (F) sexual assault in any degree;

- 1 (G) sexual abuse of a minor;  
 2 (H) robbery in any degree;  
 3 (I) threats to do bodily harm;  
 4 (J) driving while under the influence of an alcoholic beverage,  
 5 inhalant, or controlled substance or another crime resulting from the operation  
 6 of a motor vehicle, boat, or airplane when the offender is under the influence  
 7 of an alcoholic beverage, inhalant, or controlled substance; [OR]  
 8 (K) arson in the first degree;  
 9 **(L) sex trafficking in violation of AS 11.66.110 or**  
 10 **11.66.130(a)(2):**  
 11 **(M) human trafficking in any degree; or**  
 12 **(N) unlawful exploitation of a minor.**

13 \* **Sec. 29.** AS 22.10.150 is amended to read:

14 **Sec. 22.10.150. Approval or rejection.** Each superior court judge is subject to  
 15 approval or rejection as provided in AS 15 (Alaska Election Code). The judicial  
 16 council shall conduct an evaluation of each judge before the retention election and  
 17 shall provide to the public information about the judge and may provide a  
 18 recommendation regarding retention or rejection. The information and any  
 19 recommendation shall be made public at least 60 days before the retention election.  
 20 **The information shall include the judge's consideration of victims when imposing**  
 21 **sentence on persons convicted of felony offenses where the offenses involve**  
 22 **victims.** The judicial council shall also provide the information and any  
 23 recommendation to the office of the lieutenant governor in time for publication in the  
 24 election pamphlet under AS 15.58.050. If a majority of those voting on the question  
 25 rejects the candidacy of a judge, the rejected judge may not for a period of four years  
 26 thereafter be appointed to fill any vacancy in the supreme court, court of appeals,  
 27 superior court, or district courts of the state.

28 \* **Sec. 30.** AS 33.20.010(a) is amended to read:

29 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner  
 30 convicted of an offense against the state or a political subdivision of the state and  
 31 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction

1 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner  
 2 follows the rules of the correctional facility in which the prisoner is confined. A  
 3 prisoner is not eligible for a good time deduction if the prisoner has been sentenced

4 (1) to a mandatory 99-year term of imprisonment under  
 5 AS 12.55.125(a) after June 27, 1996;

6 (2) to a definite term under AS 12.55.125(l); or

7 (3) for a sexual felony under AS 12.55.125(i)

8 (A) and has one or more prior sexual felony convictions as  
 9 determined under AS 12.55.145(a)(4); or

10 (B) that is an unclassified or a class A felony.

11 \* **Sec. 31.** AS 44.23.080(a) is amended to read:

12 (a) If there is reasonable cause to believe that an Internet service account has  
 13 been used in connection with a violation of AS 11.41.452, 11.41.455, or AS 11.61.125  
 14 - 11.61.128, and that the identity, address, and other information about the account  
 15 owner will assist in obtaining evidence that is relevant to the offense, a law  
 16 enforcement officer may apply to the attorney general or the attorney general's  
 17 designee for an administrative subpoena to obtain the business records of the Internet  
 18 service provider located inside or outside of the state.

19 \* **Sec. 32.** AS 44.23.080(b) is amended to read:

20 (b) If an application meets the requirements of (a) of this section, the attorney  
 21 general or the attorney general's designee may issue an administrative subpoena to  
 22 the Internet service provider requiring the production of the following records:

23 (1) the name and other identifying information of the account holder;

24 (2) the address and physical location associated with the account;

25 (3) a description of the length of service, service start date, and types  
 26 of service associated with the account.

27 \* **Sec. 33.** AS 44.23.080(e) is amended to read:

28 (e) If the Internet service provider refuses to obey a subpoena issued under (b)  
 29 of this section, the superior court may, upon application of the attorney general or the  
 30 attorney general's designee, issue an order requiring the Internet service provider to  
 31 appear at the office of the attorney general with the information described in the

1 subpoena.

2 \* **Sec. 34.** AS 44.23.080 is amended by adding a new subsection to read:

3 (i) For purposes of this section, the attorney general's designee may be the  
4 deputy attorney general of the division of the Department of Law that has  
5 responsibility for civil cases or the division of the Department of Law that has  
6 responsibility for criminal cases.

7 \* **Sec. 35.** AS 47.10.086(c) is amended to read:

8 (c) The court may determine that reasonable efforts of the type described in  
9 (a) of this section are not required if the court has found by clear and convincing  
10 evidence that

11 (1) the parent or guardian has subjected the child to circumstances that  
12 pose a substantial risk to the child's health or safety; these circumstances include  
13 abandonment, sexual abuse, torture, chronic mental injury, or chronic physical harm;

14 (2) the parent or guardian has

15 (A) committed homicide under AS 11.41.100 - 11.41.130 of a  
16 parent of the child or of a child;

17 (B) aided or abetted, attempted, conspired, or solicited under  
18 AS 11.16 or AS 11.31 to commit a homicide described in (A) of this  
19 paragraph;

20 (C) committed an assault that is a felony under AS 11.41.200 -  
21 11.41.220 and results in serious physical injury to a child; or

22 (D) committed the conduct described in (A) - (C) of this  
23 paragraph that violated a law or ordinance of another jurisdiction having  
24 elements similar to an offense described in (A) - (C) of this paragraph;

25 (3) the parent or guardian has, during the 12 months preceding the  
26 permanency hearing, failed to comply with a court order to participate in family  
27 support services;

28 (4) the department has conducted a reasonably diligent search over a  
29 time period of at least three months for an unidentified or absent parent and has failed  
30 to identify and locate the parent;

31 (5) the parent or guardian is the sole caregiver of the child and the

1 parent or guardian has a mental illness or mental deficiency of such nature and  
 2 duration that, according to the statement of a psychologist or physician, the parent or  
 3 guardian will be incapable of caring for the child without placing the child at  
 4 substantial risk of physical or mental injury even if the department were to provide  
 5 family support services to the parent or guardian for 12 months;

6 (6) the parent or guardian has previously been convicted of a crime  
 7 involving a child in this state or in another jurisdiction and, after the conviction, the  
 8 child was returned to the custody of the parent or guardian and later removed because  
 9 of an additional substantiated report of physical or sexual abuse by the parent or  
 10 guardian;

11 (7) a child has suffered substantial physical harm as the result of  
 12 abusive or neglectful conduct by the parent or guardian or by a person known by the  
 13 parent or guardian and the parent or guardian knew or reasonably should have known  
 14 that the person was abusing the child;

15 (8) the parental rights of the parent have been terminated with respect  
 16 to another child because of child abuse or neglect, the parent has not remedied the  
 17 conditions or conduct that led to the termination of parental rights, and the parent has  
 18 demonstrated an inability to protect the child from substantial harm or the risk of  
 19 substantial harm;

20 (9) the child has been removed from the child's home on at least two  
 21 previous occasions, family support services were offered or provided to the parent or  
 22 guardian at those times, and the parent or guardian has demonstrated an inability to  
 23 protect the child from substantial harm or the risk of substantial harm; [OR]

24 (10) the parent or guardian is incarcerated and is unavailable to care  
 25 for the child during a significant period of the child's minority, considering the child's  
 26 age and need for care by an adult; or

27 **(11) the parent or guardian**

28 **(A) has sexually abused the child or another child of the**  
 29 **parent or guardian; or**

30 **(B) is registered or required to register as a sex offender or**  
 31 **child kidnapper under AS 12.63.**

1 \* **Sec. 36.** AS 47.17.020(a) is amended to read:

2 (a) The following persons who, in the performance of their occupational  
3 duties, or with respect to (8) of this subsection, in the performance of their appointed  
4 duties, have reasonable cause to suspect that a child has suffered harm as a result of  
5 child abuse or neglect shall immediately report the harm to the nearest office of the  
6 department:

7 (1) practitioners of the healing arts;

8 (2) school teachers and school administrative staff members of public  
9 and private schools;

10 (3) peace officers and officers of the Department of Corrections;

11 (4) administrative officers of institutions;

12 (5) child care providers;

13 (6) paid employees of domestic violence and sexual assault programs,  
14 and crisis intervention and prevention programs as defined in AS 18.66.990;

15 (7) paid employees of an organization that provides counseling or  
16 treatment to individuals seeking to control their use of drugs or alcohol;

17 (8) members of a child fatality review team established under  
18 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created  
19 under AS 47.14.300;

20 **(9) athletic coaches.**

21 \* **Sec. 37.** AS 47.17.290 is amended by adding a new paragraph to read:

22 (17) "athletic coach" includes a paid leader or assistant of a sports team  
23 in a public or private school, in a public or private postsecondary institution, or  
24 sponsored by a municipality of the state or other local government organization, or of  
25 a sports team that receives public funding.

26 \* **Sec. 38.** The uncodified law of the State of Alaska is amended by adding a new section to  
27 read:

28 DIRECT COURT RULE AMENDMENT. Rule 16(b), Alaska Rules of  
29 Criminal Procedure, is amended by adding a new paragraph to read:

30 (9) Restriction on Availability of Certain Material. Notwithstanding  
31 (b)(1)(A)(iv) of this rule, the court shall deny any request by the defendant to copy,

1 photograph, duplicate, or otherwise reproduce any material prohibited under  
 2 AS 11.41.455(a) or defined as "child pornography" under 18 U.S.C. 2256, if the  
 3 prosecuting attorney makes the material reasonably available for inspection by the  
 4 defendant and defense counsel. The material shall be considered to be made  
 5 reasonably available to the defendant or defense counsel if the prosecuting attorney  
 6 provides, at a law enforcement or prosecution facility, ample opportunity for  
 7 inspection, viewing, and examination of the material by the defendant, the defendant's  
 8 attorney, and any individual the defendant may seek to qualify to furnish expert  
 9 testimony at trial. If the defendant is not represented by counsel and demonstrates a  
 10 need to view the material, the court shall make arrangements for the defendant to be  
 11 supervised while viewing the material. If the defendant or the defendant's attorney  
 12 identifies an expert outside the state who must view the material, the court shall make  
 13 arrangements for the court or the law enforcement agency that possesses it to send the  
 14 material directly to the expert.

15 \* **Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to  
 16 read:

17 DIRECT COURT RULE AMENDMENT. Rule 32.1(b)(1), Alaska Rules of  
 18 Criminal Procedure, is amended to read:

19 (1) Contents and Filing. If the court directs the Department of  
 20 Corrections to prepare a presentence report, the report shall be filed with the court and  
 21 served on counsel at least 30 days before the sentencing hearing, or 30 days before the  
 22 presentencing hearing, if one is scheduled. The report shall contain all of the  
 23 defendant's prior criminal convictions and findings of delinquency and any other  
 24 information about the defendant's characteristics, financial condition, and the  
 25 circumstances affecting the defendant's behavior that may be helpful in fashioning the  
 26 defendant's sentence, a victim impact statement, and any other information required by  
 27 the judge. **If the crime involved a victim, the court may not accept a report that**  
 28 **does not include a victim's impact statement, unless the report explains the**  
 29 **reason why the victim or the victim's representative could not be interviewed.**  
 30 The presentence report shall comply with the Victims' Rights Act, AS 12.61.100 -  
 31 12.61.150 and AS 12.55.022.

1 \* **Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3 DIRECT COURT RULE AMENDMENT. Rule 32.2(a), Alaska Rules of  
4 Criminal Procedure, is amended to read:

5 (a) **Consideration of Victim's Statement.** If a victim as defined in  
6 AS 12.55.185 prepares and submits a written statement, gives sworn testimony or  
7 makes an unsworn oral presentation under AS 12.55.023, the court shall take the  
8 content of the statement, testimony, or presentation into consideration when preparing  
9 those elements of the sentencing report required by AS 12.55.025 that relate to the  
10 effect of the offense on the victim, and when considering the need for restitution under  
11 AS 12.55.045. The court shall also take the content of the victim's impact  
12 statement in the presentence report into consideration in preparing the  
13 sentencing report required under AS 12.55.025. The court also may take the content  
14 of the statement, testimony, victim's impact statement, or presentation into  
15 consideration for any other appropriate purpose.

16 \* **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 DIRECT COURT RULE AMENDMENT. Rule 404(b)(2), Alaska Rules of  
19 Evidence, is amended to read:

20 (2) In a prosecution for a crime involving a physical or sexual assault  
21 or abuse of a minor, evidence of other acts by the defendant toward the same or  
22 another child is admissible if admission of the evidence is not precluded by another  
23 rule of evidence and if the prior offenses

- 24 (i) [OCCURRED WITHIN THE 10 YEARS  
25 PRECEDING THE DATE OF THE OFFENSE CHARGED;  
26 (ii)] are similar to the offense charged; and  
27 (ii) [(iii)] were committed upon persons similar to the  
28 prosecuting witness.

29 \* **Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to  
30 read:

31 INDIRECT COURT RULE AMENDMENT. AS 12.45.045(a), as amended by sec. 16

1 of this Act, has the effect of amending Rule 404(a), Alaska Rules of Evidence, by providing,  
2 with some exceptions, that a defendant must request admission of certain evidence about the  
3 complaining witness five days before trial and by applying the rule to the conduct of the  
4 complaining witness after the alleged offense.

5 \* **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to  
6 read:

7 APPLICABILITY. (a) Sections 2 - 15, 19, 20, 24, and 30 of this Act apply to offenses  
8 committed on or after the effective date of this Act.

9 (b) Sections 16, 21 - 23, 27, and 28 of this Act apply to offenses committed before,  
10 on, or after the effective date of this Act.

11 (c) Section 17 of this Act applies to sentencing hearings occurring on or after the  
12 effective date of this Act.

13 (d) Section 18 of this Act applies to disposition hearings occurring in proceedings on  
14 petitions to revoke probation filed on or after the effective date of this Act.

15 \* **Sec. 44.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 CONDITIONAL EFFECT. Section 16 of this Act, amending AS 12.45.045(a), takes  
18 effect only if sec. 42 of this Act receives the two-thirds majority vote of each house required  
19 by art. IV, sec. 15, Constitution of the State of Alaska.

20 \* **Sec. 45.** This Act takes effect July 1, 2013.

# FISCAL NOTE

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

Bill Version CSHB 73(JUD)  
Fiscal Note Number 12  
(H) Publish Date 3/28/13

Identifier (file name) HB73-AJC-2-6-13 Dept. Affected Alaska Court System  
Title An Act relating to sex trafficking and DVSA crimes Appropriation Judicial Council  
Allocation Judicial Council  
Sponsor Rules by Request of the Governor  
Requester Governor OMB Component Number 771

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

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

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates				
			FY15	FY16	FY17	FY18	FY19
<b>OPERATING EXPENDITURES</b>	<b>FY14</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>
Personal Services	65.4		65.4	65.4	65.4	65.4	65.4
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>65.4</b>	<b>0.0</b>	<b>65.4</b>	<b>65.4</b>	<b>65.4</b>	<b>65.4</b>	<b>65.4</b>

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	65.4		65.4	65.4	65.4	65.4	65.4
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
<b>TOTAL</b>		<b>65.4</b>	<b>0.0</b>	<b>65.4</b>	<b>65.4</b>	<b>65.4</b>	<b>65.4</b>	<b>65.4</b>

POSITIONS							
Full-time		1		1	1	1	1
Part-time							
Temporary							

**CHANGE IN REVENUES**

Estimated SUPPLEMENTAL (FY13) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY14) costs \_\_\_\_\_ (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

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

Initial version.

Prepared by E. J. Pavsek, Fiscal Officer  
Division Alaska Judicial Council  
Approved by Larry Cohn, Executive Director  
Alaska Judicial Council

Phone 279-2526 Ext. 5  
Date/Time 2/6/13 2:30 PM  
Date 2/6/2013

FISCAL NOTE ANALYSIS #12

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 73(JUD)

**Analysis**

Section 30 of HB 73 requires the Alaska Judicial Council to provide information to the public before a judge's retention election about the judge's compliance with requirements to consider particular victim information when sentencing the defendant. In FY 12, there were 4,832 felony sentencings statewide. The number of felony sentencings increases every year. If the legislature intends for the Judicial Council to independently monitor judges' compliance (as opposed to relying on court system data), the Council will need to obtain audio recordings of all felony sentencings; listen to the recordings; assess judges' compliance; and enter and analyze data for each judge. The Council would need to hire one full-time employee to accomplish this work. This fiscal note estimates the cost of a full-time Range 11 employee.

# FISCAL NOTE

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

Bill Version CSHB 73(JUD)  
Fiscal Note Number 11  
(H) Publish Date 3/28/13

Identifier (file name) CSHB073(JUD)-ACS-TRC-3-27-13 Dept. Affected Alaska Court System  
Title Relating to Crimes, Victims, Child Abuse, and Neglect Appropriation Trial Courts  
Allocation \_\_\_\_\_  
Sponsor Rules by Request of the Governor  
Requester Governor OMB Component Number 768

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

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

	FY14 Appropriation Requested	Included in Governor's FY14 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>	***	***	***	***	***	***	***

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>	***	***	***	***	***	***	***

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated SUPPLEMENTAL (FY13) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY14) costs \_\_\_\_\_ (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
if yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

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

This fiscal note revises the Analysis section of the prior note to accurately reflect the changed section numbers of the Committee Substitute and to delete references to sections that were eliminated from the initial version. The CS revised former Section 30 (now Section 29) so that the Judicial Council can comply with the bill without relying on the Court System to enter and download data for each felony sentencing, and the Court will not need to modify its case management system to capture that data. Therefore, the Court deleted the services costs shown in the initial version of the fiscal note.

Prepared by Nancy Meade, General Counsel Phone 907-463-4736  
Division Alaska Court System Date/Time 3/27/13 1:00 PM  
Approved by Nancy Meade for Christine Johnson, Administrative Director Date 3/27/2013  
Alaska Court System

FISCAL NOTE ANALYSIS #11

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 73(JUD)

Analysis

Expanded crime definitions: The House Judiciary Committee Substitute for House Bill 73, among other changes, extends the civil and criminal statutes of limitations for felony sex trafficking, human trafficking, and child pornography cases (sec. 2 and 11), categorizes certain conduct by probation and parole officers as sexual assaults (sec. 3 -8), expands the definition of unlawful contact in the first degree (sec. 9), provides that certain property used by patrons of prostitutes may be forfeited (sec. 10), and expands the definitions of "sexual felony" and "sexual offense" (sec. 23-24). The Department of Law has not predicted the number of additional new case filings that will result from these changes. The court therefore concludes that the effect of these changes on the court system is indeterminate.

Considering victims: Section 29 of CSHB 73 requires the Alaska Judicial Council to provide information to the public before a judge's retention election about a judge's consideration of victims when sentencing felony defendants, if the offense involved a victim. The court system does not anticipate a fiscal impact from this section of the bill.

Sections 40 and 41 of the bill also concern the court's consideration of victims in sentencing. The direct rule changes will not result in a fiscal impact to the court.

Applications for expanding investigations: Section 15 of CSHB 73 allows the attorney general to apply to the court for authorization to intercept communications for certain human and sex trafficking investigations. This is likely to increase the number of applications to the court for these orders. The court cannot predict the number of these applications that will result from this change, but does not expect the number to be large and therefore does not expect a significant fiscal impact from the change in this section.

Three-judge panels: Sections 1, 21, and 22 of the bill intend to overturn *Collins v. State*, 287 P.3d 791 (Alaska App. 2012). The court will not experience any fiscal impact from this change.

Domestic violence: CSHB 73 also allows a judicial officer to order a person charged with or convicted of a crime involving domestic violence or stalking to participate in a GPS monitoring program (sec. 12-13). Protective orders must contain a specific warning that the penalty for violation could be up to \$10,000 (sec. 25-26). These revisions will have no fiscal impact on the court.

Section 14 of the bill requires persons arrested for violation of a condition of release that was imposed in connection with a crime of domestic violence to appear before a judicial officer for arraignment before being released from custody. This will not have a financial impact on the court system since arrested persons are arraigned by judicial officers now, and whether the person is in custody or out of custody when he or she is arraigned is not significantly fiscally different for the court system.

Procedural changes and requirements: Other sections of the bill change the process for admitting particular evidence of a sexual assault victim's past history (sec. 16 and 43), change the process for a defendant being sentenced to claim credit for time spent in treatment (sec. 17-18), disallow a suspended imposition of sentence for sex trafficking crimes (sec. 19), require the judge to impose some consecutive term of imprisonment for multiple child pornography crimes (sec. 20), allow the court to determine that reasonable efforts towards family reunification are not required if the parent has committed sexual abuse against his or

FISCAL NOTE ANALYSIS #11

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 73(JUD)

**Analysis Continued**

her child or is a sex offender (sec. 35), change the court rule on discovery of certain child pornography materials (sec. 39), and remove the time restriction in the evidence rule concerning admissibility of certain prior acts (sec. 42). Implementing these changes will not result in a fiscal impact on the court system.

Provisions with no direct impact: Finally, certain sections of CSHB 73 do not impact the court's day-to-day operations, and therefore have no fiscal impact on the court system. They clarify definitions (sec. 27-), allow the Violent Crimes Compensation Board to compensate victims of human and sex trafficking and exploitation of minors (sec. 28), make certain prisoners ineligible for "good time" deductions (sec. 30), alter certain procedures concerning administrative subpoenas from the attorney general (sec. 31-34), and make certain persons mandatory reporters of suspected harm to a child (sec. 36-38).

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: CSHB 73(JUD)  
Fiscal Note Number: 10  
(H) Publish Date: 3/28/13

Identifier: HB073CS(JUD)-DOC-OC-03-23-13  
Title: CRIMES; VICTIMS; CHILD ABUSE AND  
NEGLECT  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: House Judiciary Committee

Department: Department of Corrections  
Appropriation: Administration and Support  
Allocation: Office of the Commissioner  
OMB Component Number: 694

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates				
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	***	***	***	***	***	***	***
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	***	0.0	***	***	***	***	***

**Fund Source (Operating Only)**

None							
<b>Total</b>	***	0.0	***	***	***	***	***

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Updated to reflect amended sections which require program development by DOC.
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Prepared By:	Kevin Worley, Director	Phone:	(907)465-4641
Division	Department of Corrections - Administrative Services	Date:	03/23/2013 02:30 PM
Approved By:	Leslie Houston, Deputy Commissioner	Date:	03/23/13
	Department of Corrections		

FISCAL NOTE ANALYSIS #10

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 73(JUD)

**Analysis**

This bill adds probation and parole officers to the crime of sexual assault in the 3<sup>rd</sup> and 4<sup>th</sup> degrees if they engage in certain sexual conduct with their probationers or parolees. This addition to AS 11.41.425(a) and AS 11.41.427(a) will have no fiscal impact on the Department of Corrections (DOC).

In addition, this bill does not allow a person to contact a victim or witness if they are under official detention or if they have been ordered not to contact the victim or witness as a condition of parole. This section will have no fiscal impact on DOC.

The bill also requires a person who has been arrested for a violation of a condition of release associated with a crime of domestic violence to appear before a judge before they can be released. This does not present a measureable adjustment to current DOC practices and will not have a fiscal impact on the Department.

Further, the bill sets limits on the amount of time a defendant has to request credit for time served in a treatment facility. This will have no fiscal impact on the Department.

The bill also removes the statute of limitations on distribution of child pornography, sex trafficking (unclassified, class A, or perpetrated against someone who is under the age of 20), and human trafficking. The current statute of limitations for these crimes is ten years. The number of prosecutions that this change will allow is minimal and this section will have no fiscal impact on DOC.

The bill requires DOC, in consultation with the Department of Public Safety, to develop a monitoring program for people who are out on bail for stalking or domestic violence which includes a global positioning device or similar technology. The development of this program will not have a fiscal impact on DOC. However, costs will be incurred by the implementation of such a program.

Additionally, the bill disallows a suspended imposition of sentence for sex trafficking crimes. Currently, suspended impositions of sentences are not used in such convictions and, therefore, this section will have no fiscal impact on DOC.

The bill also requires defendants who have been convicted of more than one count of possession or distribution of child pornography to serve some consecutive time for each count. "Some consecutive time" could be as little as one additional day. Over the past 4 years, the average number of counts a person has been convicted of for these offenses has ranged from 1 to 10. Additional time for convictions within this count range would not have a fiscal impact on DOC.

The bill heightens the importance of victim's impact statements by requiring that they be included in presentence reports unless it can be explained why the victim could not be interviewed. This is consistent with current DOC practices and will have no fiscal impact on the Department.

FISCAL NOTE ANALYSIS #10

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 73(JUD)

**Analysis Continued**

The bill also disallows good time for those who have committed a sexual felony (unclassified or class A). Good time is time that can be deducted from a person's sentence if they follow the rules of the correctional facility where they are being housed. Good time is fluid and based on many different factors which can have a pronounced effect on a person's sentence. Currently, all offenses eligible for good time may receive a 33% reduction in sentence length. However, there are many aggravating circumstances which may prevent the full application of good time. The total time that each offender serves is calculated on an individual basis. The Department is unable to quantify the amount of additional time that this will add to each offender's sentence, but will closely monitor the future fiscal impacts of this legislation.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: CSHB 73(JUD)  
Fiscal Note Number: 9  
(H) Publish Date: 3/28/13

Identifier: HB073CS(JUD)-DPS-DET-03-22-13  
Title: CRIMES; VICTIMS; CHILD ABUSE AND  
NEGLECT  
Sponsor: RLS BY REQUEST OF THE GOVERNOR  
Requester: (H) Judiciary

Department: Department of Public Safety  
Appropriation: Alaska State Troopers  
Allocation: Alaska State Trooper Detachments  
OMB Component Number: 2325

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	<b>FY 2014</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</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 (Operating Only)**

None							
<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>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

The committee substitute for HB 73 amends the sections of the bill that had initially resulted in the fiscal impact to the Division of Alaska State Troopers.

Prepared By:	Kelly Howell, Special Assistant to the Commissioner	Phone:	(907)465-4336
Division	Office of the Commissioner	Date:	03/22/2013 04:38 PM
Approved By:	Joseph A. Masters, Commissioner	Date:	03/22/13
	Department of Public Safety		

FISCAL NOTE ANALYSIS #9

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. CSHB 73(JUD)

**Analysis**

The committee substitute for HB 73 removes the GPS monitoring requirement from under the purview of the Department of Public Safety (DPS) to the Department of Corrections (DOC) and specifies that the guidelines for the monitoring program will be developed by DOC in consultation with DPS.

There is no fiscal impact associated with the consultation in developing the monitoring program guidelines with DOC, and because implementation of the monitoring program was moved from DPS to DOC there is no longer a fiscal impact to the Division of Alaska State Troopers.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: CSHB 73(JUD)  
 Fiscal Note Number: 8  
 (H) Publish Date: 3/28/13

Identifier: HB073CS(JUD)-LAW-CRIM-03-22-13  
 Title: CRIMES; VICTIMS; CHILD ABUSE AND  
 NEGLECT  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: (H) Judiciary

Department: Department of Law  
 Appropriation: Criminal Division  
 Allocation: Criminal Justice Litigation  
 OMB Component Number: 2202

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	<b>FY 2014</b>	<b>FY 2014</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 (Operating Only)**

None							
<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>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
---------------------------	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

This fiscal note reflects the most recent committee substitute.

Prepared By:	Loretta Withington, Division Operations Manager	Phone:	(907)465-5427
Division	Administrative Services	Date:	03/22/2013 12:00 AM
Approved By:	Michael C. Geraghty, Attorney General	Date:	03/22/13
	Department of Law		

**Analysis**

The bill, while in part addressing sex trafficking and human trafficking specifically, also strengthens the law in several other areas including protection for victims of sexual assault and domestic violence. It also makes changes in the law of criminal procedure. The bill would adopt criminal penalties for probation and parole officers who engage in sexual penetration or sexual contact with persons on probation or parole. It makes changes in the statute of limitations for sex trafficking and human trafficking. It adopts a time limit within which to bring a claim of credit for time served against a sentence. It requires athletic coaches to report to authorities if the coach has reasonable cause to suspect that a child has been abused or neglected. It allows the court to decide that the Office of Children's Services need not make reasonable efforts to reunite a child with the child's family if the parent or guardian has committed sexual abuse against the child or another child of the parent or guardian, or if the parent or guardian is registered or required to register as a sex offender.

The bill would also require a defendant arrested for a violation of a condition of release in connection with a domestic violence crime to be held in custody until a court has the opportunity to determine whether the defendant should be released again and on what conditions.

The bill would allow a person to bring a civil action at any time that is based on conduct by a defendant that is felony sex trafficking or felony human trafficking or stalking.

Additionally, the bill would give a court the authority to order a defendant to be monitored by GPS or similar technology as a condition of bail release in a matter charging a domestic violence crime or stalking.

The committee substitute removes the possibility of a GPS order in connection with a civil protective order. It amends the forfeiture provision for sex trafficking to make the forfeiture discretionary with the court and only after a conviction.

The original bill would overturn *Collins v. State*, 287 P. 3d 791 (Alaska App. 2012). The committee substitute would do so, too, but the committee substitute would not specifically address the issue of the youth of the offender.

# FISCAL NOTE

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

Bill Version HB 73  
Fiscal Note Number 7  
(H) Publish Date 1/16/13

Identifier (file name) LL0587-DHSS-FLSW-01-14-13 Dept. Affected Health and Social Services  
Title Relating to DVSA and Trafficking crimes Appropriation Children's Services  
Allocation Front Line Social Workers  
Sponsor Rules Committee by Request of the Governor  
Requester Governor OMB Component Number 2305

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

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

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates				
			FY15	FY16	FY17	FY18	FY19
<b>OPERATING EXPENDITURES</b>	<b>FY14</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</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 (FY13) operating costs 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY14) costs 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

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

Not applicable, initial version.

Prepared by Christy Lawton, Director  
Division Office of Children's Services  
Approved by William Streur, Commissioner  
Department of Health & Social Services

Phone 907-451-2096  
Date/Time 1/14/13 2:00 PM  
Date 1/14/2013

FISCAL NOTE ANALYSIS #7

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. HB 73

**Analysis**

LL0587 has zero fiscal impact on DHSS. This bill will align Alaska State law with Federal CAPTA Reauthorization Act of 2010 laws. Under the current Alaska statute, OCS is obligated to provide and document reunification efforts for all children. However, Federal law provides provisions that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of law to be unable or unfit to parent.

# FISCAL NOTE

**STATE OF ALASKA**  
**2013 LEGISLATIVE SESSION**

Bill Version HB 73  
 Fiscal Note Number 6 \*\*CORRECTED\*\*  
 (H) Publish Date 1/17/13

Identifier (file name) 0587-DOA-PDA-1-14-13 Dept. Affected Administration  
 Title An act relating to sex trafficking and DVSA crimes Appropriation Legal and Advocacy Services  
 Allocation Public Defender Agency  
 Sponsor Rules by Request of the Governor  
 Requester Governor OMB Component Number 1631

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

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

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates					
			FY14	FY15	FY16	FY17	FY18	FY19
<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>

<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>***</b>

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

<b>CHANGE IN REVENUES</b>								

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

Estimated **CAPITAL (FY14) costs** \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details 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 Phone 907 334-4414  
 Division Public Defender Agency Date/Time 1/10/13 12:12 AM  
 Approved by Curtis Thayer, Deputy Commissioner Date 1/14/2013  
Department of Administration

**Analysis**

The bill expresses legislative intent regarding referral to three-judge panels; stating that there was no intent to create new or additional means for persons convicted of sexual felonies to obtain referrals to a three-judge panel. The bill also limits referrals to three-judge panels for persons convicted of sexual felonies and prohibits courts from suspending the imposition of sentence for a person convicted of a sex trafficking offense.

The bill makes several modifications to current crimes as follows: adds sections to the crimes of third and fourth degree sexual assault to include provisions relating to acts engaged in by probation and parole officers; the crime of first degree unlawful contact is modified to include the prohibition of contact with protected parties while a defendant is "under official detention"; expands the forfeiture requirement in prostitution cases to all patrons of prostitutes—not just those guilty of felony offenses; modifies the statute of limitations in relating to certain offenses; adds limitations on the release of detainees for "for violation of a condition of release in connection with a crime involving domestic violence" and adds multiple provisions regarding the use of GPS monitoring in cases involving domestic violence; and makes amendments to the statute governing wire taps; changes both the procedures and law governing admissibility of a complaining witness's sexual history in trials for sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, or an attempt to commit any of these offenses.

The bill requires the court to impose additional imprisonment for multiple acts of distribution of child pornography, possession of child pornography, or distribution of indecent material to minors; amends the definition of "sex offense" to include felony-level prostitution and expands the definition of a "sexual felony"; changes requirements regarding what the Alaska Judicial Council must include in its published election retention information; amends the current rules regarding the use of subpoenas; decreases the obligations of OCS where the parent has been found to have committed a registration offense; "good time" credit is eliminated for those prisoners convicted of an unclassified or class A sexual felony; and strict time limits are set regarding applications for jail credit for time spent in a treatment program and modifications to the burden of proof for these applications.

Additionally, this bill requires the court to conduct a direct personal inquiry under oath of a witness claiming a Fifth Amendment privilege and makes several changes to the Criminal Rules, including the guidelines regarding discovery, presentence and sentencing procedures, and the rules of evidence.

The Alaska Public Defender Agency believes that the proposed bill will result in more jury trials as well as more pre and post trial litigation. The representation of individuals charged with sex offenses is expensive and often involves significant investigation and expert analysis. However, the Agency cannot reliably predict the number of new cases that will be brought under these provisions or the extent that costs may be increased for litigation of criminal cases based on these changes and therefore, submits an indeterminate fiscal note.

# FISCAL NOTE

**STATE OF ALASKA**  
**2013 LEGISLATIVE SESSION**

Bill Version HB 73  
 Fiscal Note Number 5 \*\*CORRECTED\*\*  
 (H) Publish Date 1/17/13

Identifier (file name) 0587-DOA-OPA-1-14-13 Dept. Affected Administration  
 Title An act relating to sex trafficking and DVSA crimes Appropriation Legal and Advocacy Services  
 Allocation Office of Public Advocacy  
 Sponsor Rules by Request of the Governor  
 Requester Governor OMB Component Number 43

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

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

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates					
			FY14	FY15	FY16	FY17	FY18	FY19
<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>

<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>***</b>

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

<b>CHANGE IN REVENUES</b>								

Estimated SUPPLEMENTAL (FY13) operating costs 0.0 (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY14) costs 0.0 (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details 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 Phone 907-269-3504  
 Division Office of Public Advocacy Date/Time 1/10/13 3:10 PM  
 Approved by Curtis Thayer, Deputy Commissioner Date 1/14/2013  
Department of Administration

FISCAL NOTE ANALYSIS #5 \*\*CORRECTED\*\*

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. HB 73

**Analysis**

The Office of Public Advocacy believes that the proposed bill will result in more jury trials as well as more pre and post trial litigation. The representation of individuals charged with sex offenses is expensive and often involves significant investigation and expert analysis. However, the Office of Public Advocacy cannot reliably predict the number of new cases that will be brought under these provisions or the extent that costs may be increased for litigation of criminal cases based on these changes and therefore, submits an indeterminate fiscal note.

# FISCAL NOTE

**STATE OF ALASKA**  
**2013 LEGISLATIVE SESSION**

Bill Version HB 73  
 Fiscal Note Number 2  
 (H) Publish Date 1/16/13

Identifier (file name) 0587-DPS-R&I-01-11-13 Dept. Affected Public Safety  
 Title Sex Trafficking and DVSA Crimes Appropriation Statewide Support  
 Allocation Criminal Records and Identification  
 Sponsor Rules by Request of the Governor  
 Requester Governor OMB Component Number 1190

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

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

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates					
			FY14	FY15	FY16	FY17	FY18	FY19
<b>OPERATING EXPENDITURES</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>0.0</b>

**FUND SOURCE** (Thousands of Dollars)

	FY14	FY14	FY15	FY16	FY17	FY18	FY19
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>0.0</b>

**POSITIONS**

	FY14	FY14	FY15	FY16	FY17	FY18	FY19
Full-time							
Part-time							
Temporary							

**CHANGE IN REVENUES**

	FY14	FY14	FY15	FY16	FY17	FY18	FY19

Estimated SUPPLEMENTAL (FY13) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY14) costs \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

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

Not applicable, initial version.

Prepared by Kelly Howell, Special Assistant to the Commissioner  
 Division Office of the Commissioner  
 Approved by Joseph A. Masters, Commissioner  
Department of Public Safety

Phone (907) 269-5591  
 Date/Time 1/11/13 3:30 PM  
 Date 1/11/2013

FISCAL NOTE ANALYSIS #2

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. HB 73

**Analysis**

This bill as currently proposed would have no fiscal impact to the Division of Statewide Services, Sex Offender/Child Kidnapper Registration unit.

STATE CAPITOL  
P.O. Box 110001  
Juneau, AK 99811-0001  
907-465-3500  
fax: 907-465-3532



**Governor Sean Parnell**  
STATE OF ALASKA

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[Governor@Alaska.Gov](mailto:Governor@Alaska.Gov)

January 15, 2013

The Honorable Mike Chenault  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Chenault,

We remain dedicated to ending the epidemic of domestic violence and sexual assault in Alaska and building on our shared successes of the past three legislative sessions to ensure safe homes and strong families in our state. To those ends, I am transmitting a bill under the authority of Article III, Section 18 of the Alaska Constitution, relating to crimes associated with domestic violence, sexual assault, and trafficking.

Measures within this bill provide stronger protections for victims and survivors, strengthen penalties on the demand side of sex trafficking, strengthen law enforcement investigative tools to track down and prosecute perpetrators, and create tougher sentencing provisions.

**Stronger Protections for Victims and Survivors**

To protect victims of domestic violence and sexual assault from further trauma, this legislation will authorize the court to order GPS tracking devices on perpetrators with protective orders to further provide for the safety of the victim when warranted. It will restrict offenders from obtaining graphic forensic evidence of victims, clarify that probation and parole officers may not engage in sexual conduct with a person under their supervision, and restrict offenders in custody from contacting a victim. In cases where a domestic violence offender violates conditions of release, we will mandate an in-person appearance before a judge prior to their release, as they present a more serious risk to the victim and the public. And for those victims that have yet to seek justice, the statute of limitations for crimes of felony sex trafficking and human trafficking have been removed.

To protect children from further danger and abuse, the bill would allow the Department of Health and Social Services to petition a court to discontinue the department's obligation to engage in reunification efforts with parents or guardians who have committed sexual abuse against the child or who are required to register as a sex offender, thereby freeing up limited resources to make reunification efforts in other cases.

**Strengthen Penalties on the Demand Side of Sex Trafficking**

This legislation will require "johns" who prey on young people to register as sex offenders. We will mandate the forfeiture of property used in these crimes, and expand the definition of "sexual felony" to include online enticement of a minor and sex trafficking, so these crimes can be used as prior convictions in sentencing.

**Investigative Tools**

The bill allows the attorney general to request the court to authorize interception of private conversations in connection with sex trafficking. Currently, this investigative authority exists in cases of murder, kidnapping, or serious drug offenses. Sex trafficking and human trafficking are serious crimes that commonly would be carried out by coordination among perpetrators. Allowing for this investigative tool would help identify offenders and protect victims of these crimes.

**Sentencing**

To further strengthen sentencing provisions, the bill would also require that a defendant who is being sentenced for two or more crimes involving child pornography and similar offenses be sentenced to some consecutive term for each crime for which the person is being sentenced. Even a small amount of consecutive time for each crime gives closure to victims and justice to the public. Additionally, the bill would ensure that a prisoner is not eligible for good time release if the prisoner has committed an unclassified or a Class A sexual felony.

The bill also addresses a decision of the Alaska Court of Appeals, *Collins v. State*, 287 P.3d 791 (Alaska 2012). A majority, in my view, misinterpreted the legislative history for increased sentencing ranges for sexual felonies by holding that the history indicated lower standards for referral of sexual felonies to a three-judge panel. The bill corrects that interpretation.

I urge your support of this important legislation to enhance the safety of Alaskans.

Sincerely,



Sean Parnell  
Governor

Enclosure

## Department of Law

CRIMINAL DIVISION  
Criminal Division Central Office

P.O. Box 110300  
Juneau, Alaska 99811-0300  
Main: 907.465.3600  
Fax: 907.465.4043

### CS FOR HOUSE BILL 75(JUD)

#### Sectional Analysis

**Sections 1, 21 and 22** are intended to overturn the majority decision in *Collins v. State*, 287 P. 3d 791 (Alaska App. 2012). *Collins* used a mistaken interpretation of legislative intent regarding standards for referring sex offenders to a three-judge sentencing panel. In 2006 the legislature adopted increased penalties for persons convicted of sex felonies. The legislature adopted specific findings, among others, that sex felons are difficult to treat, are much more likely than other felons to reoffend, that many sex offenders begin victimizing others when the offender is relatively young (between 12 and 16 years of age), and that these crimes cause serious harm to victims, particularly to young girls. When the legislature raised the sentencing ranges for sex felonies, it did not intend that different standards be applied to referral of a case involving a sex felony to a three-judge panel than for other felony offenses. **Section 1** adopts legislative findings and intent to address the *Collins* decision. **Sections 21 and 22** adopt new provisions to address the transfer of a case from the sentencing judge to a three-judge panel in a case involving a sex felony. These three sections overturn the majority decision and endorse the dissent in *Collins*.

**Section 2** allows a person to bring a civil action at any time against a perpetrator for damages based on injuries resulting from the crimes of felony sex trafficking and felony human trafficking.

**Sections 3 and 4** amend the crime of sexual assault in the third degree to prohibit a probation or parole officer from engaging in sexual penetration with a person on probation or parole. This is similar to the law prohibiting a police officer or a correctional officer from this conduct with a person in the officer's custody. The terms probation officer and parole officer are defined. The definition of probation officer includes a person who supervises therapeutic court participants.

These sections also prohibit a juvenile probation officer or juvenile facility staff from engaging in sexual penetration with an 18 or 19 year old on juvenile probation or in a juvenile facility. This conduct is a class C felony.

**Sections 5 and 6** amend the crime of sexual assault in the fourth degree to prohibit a probation or parole officer from engaging in sexual contact with a person on probation or parole. They also prohibit a juvenile probation officer or juvenile facility staff from engaging in sexual contact with an 18 or 19 year old on probation/or in a juvenile facility. This conduct is a class A misdemeanor.

**Section 7** adds a defense to the prohibition of a probation or parole officer from engaging in sexual contact with a probationer or parolee that the offender and the person were married. This applies to the crime of sexual assault in the fourth degree.

**Section 8** adopts an affirmative defense to the prohibition of a parole or probation officer from engaging in sexual penetration or sexual contact with a parolee or probationer. The affirmative defense is that the officer and the person on probation or parole had a preexisting dating or sexual relationship before the alleged offense that continued until the alleged offense.

**Section 9** fills a gap in the law that prohibits a person ordered by a court not to contact a victim or witness as part of a sentence or a condition of release. It prohibits a defendant who has been ordered by the court not to contact a victim or witness, but who has not been released from jail, to refrain from contacting the victim or witness. This conduct is a class A misdemeanor.

**Section 10** allows the state to request forfeiture of property of a patron of a prostitute or the prostitute if the property was used to institute, aid, or facilitate prostitution, or was received or derived from prostitution. It makes the forfeiture discretionary with the court and requires the defendant to be convicted before the property may be forfeited.

**Section 11** allows the state to prosecute a person for distribution of child pornography, felony sex trafficking, and human trafficking at any time without regard to the time elapsed from the commission of the crime.

**Sections 12 and 13** allow the court the discretion, in releasing on bail a person in connection with a crime involving domestic violence or stalking, to require the defendant to participate in electronic monitoring by a global positioning device or similar technology if it meets guidelines adopted by the Department of Corrections in consultation with the Department of Public Safety.

**Section 14** requires that a person arrested for a violation of a condition of release in connection with a domestic violence crime appear before a judge in person or by telephone before release from custody.

**Section 15** authorizes the attorney general to make a written application to a court for an order allowing interception of the private communications of a person that may provide evidence that the person is committing or planning to commit sex trafficking in the first or second degree, or human trafficking in the first degree. Sex trafficking and human trafficking are crimes that would require cooperation among perpetrators. Interception of the communications of a person under these circumstances would facilitate the investigation of these crimes.

**Section 16** expands the protection of a victim of sexual assault, sexual abuse of a minor, and unlawful exploitation of minor by excluding evidence of the victim's sexual conduct both before and after the person was victimized. Current law provides this protection for evidence of sexual conduct before the offense charged. This rule is commonly referred to as the rape shield law, and the purpose is to exclude evidence of the victim's private sexual conduct unless the proponent has a valid evidentiary reason for its admission. **Section 16** also requires the defendant to make the request to admit this evidence at least five days before trial, unless the request is based on information learned after the deadline or otherwise for good cause.

**Section 17** requires a defendant claiming credit for time spent in a treatment program as a condition of bail release to file written notice 10 days before the sentencing hearing on that offense. The notice must include the number of days the person is claiming. A court may not consider a request for credit made more than 90 days after the deadline except for good cause. **Section 17** also requires a person to make a request for credit for time spent in a treatment program pending appeal within 90 days after the case is returned to the trial court following appeal. A court may not consider a request for credit after the deadline except for good cause.

**Section 18** requires a defendant claiming credit for time spent in a treatment program as a condition of probation or a condition of bail release in connection with a petition to revoke probation to file notice of the request 10 days before the disposition hearing on the petition. The notice must include the number of requested days of credit. A court may not consider a request for credit made more than 90 days after the deadline except for good cause.

**Section 19** makes a person convicted of sex trafficking ineligible for a suspended imposition of sentence.

**Sections 20** requires the court in sentencing a person convicted of two or more crimes of distribution of child pornography, possession of child pornography, or distribution of indecent material to minors to give some consecutive time for each crime or attempted or solicited crime for which the defendant is being sentenced.

**Sections 21 and 22** – please refer to discussion at **Section 1**.

**Section 23** corrects an error in the definition of sexual felony by including the crimes of sex trafficking in the first degree and online enticement of a minor in the definition. The term is used in AS 12.55.125(i), which adopts higher sentencing ranges for most sex felonies, including sex trafficking in the first degree and online enticement of a minor.

**Section 24** adds the felony of being a patron of a prostitute who is under 18 years of age in violation of AS 11.66.100 to those crimes that require registration as a sex offender, if the patron is 18 years or older and at least three years older than the prostitute. It also corrects a reference to the crime of sex trafficking in the first degree and the third degree in the sex offender law.

**Sections 25 and 26** make conforming amendments to the warning on sexual assault, stalking, and domestic violence protective orders. Certain violations of these protective orders are a class A misdemeanor under AS 11.56.740. The maximum fine for a class A misdemeanor has been raised to \$10,000 under AS 12.55.035. **Sections 25 and 26** update the warning to describe the maximum fine under current law.

**Section 27** adds to the definition of victim counseling centers to include victim counseling centers operated by or contracted by a branch of the armed forces of the United States. The effect of this change is to extend the privilege for confidential communications between a victim of sexual assault or domestic violence and their counselors to counseling organizations that provide services to victims connected with the military.

**Section 28** amends the law addressing persons who are eligible for violent crimes compensation to include victims of sex trafficking, human trafficking, and unlawful exploitation of a minor.

**Sections 29, 41, and 42** strengthen and make more explicit statutes and court rules that require a court to consider the impact of the crime on the victim. **Section 41** requires the presentence report to include a victim impact statement or an explanation of why the victim or victim's representative could not be interviewed. **Section 42** requires the court to take the victim's impact statement into account when preparing the sentencing report and for other purposes. **Section 29** requires the Alaska Judicial Council to include information about a judge's consideration of victims when imposing sentence in a felony case with other information about the judge in connection with a retention election.

**Sections 30 and 31** make conforming amendments to a savings clause in the adoption law of our state to clarify that if the victim of a sexual assault that results in pregnancy sues to terminate the parental rights of the perpetrator, the victim may also pursue other remedies against the perpetrator.

**Section 32** provides that a person convicted of an unclassified or class A sexual felony is not eligible for mandatory parole (also called good time).

**Sections 33 -- 36** address the procedure for a law enforcement officer to obtain an administrative subpoena for the business records of an Internet service provider. These subpoenas may be issued in the investigation of the crimes of online enticement of a minor, unlawful exploitation of a minor, distribution of child pornography, possession of child pornography, and distribution of indecent material to a minor. The amendments allow the attorney general to designate the deputy attorney general for the civil division or the criminal division to evaluate applications for the subpoena, in addition to the attorney general. The investigation of these cases often requires a prompt response to a request for a subpoena, and having two attorneys who may approve them will assist law enforcement in their investigations.

**Section 37** adds to the circumstances that allow a court to decide that reasonable efforts by the Office of Children's Services to reunite a child who is in an out-of-home placement with the child's family are not required. It provides that the court may make this determination if it finds by clear and convincing evidence that the parent or guardian has committed sexual abuse against the child or another child of the parent or guardian, or that the parent or guardian is registered or required to register as a sex offender or child kidnapper.

**Sections 38 and 39** add athletic coaches to the persons who are required to report to authorities if the person has reasonable cause to believe that a child has suffered harm from child abuse or neglect. Athletic coach is defined in **Section 39** to include paid leaders of a sports team and their assistants.

**Section 40** adopts a court rule that limits the publication of child pornography that occurs during the discovery process in a prosecution for unlawful exploitation of a minor. Because every viewing and copying of child pornography is an additional harm to the victim, this section requires the defendant and the defendant's attorney to view the material where it is stored. If a defendant is not represented, it requires the court to arrange for the defendant to be supervised while viewing the material. If the defendant requests that an expert witness view the material, it requires the court to arrange to send the material directly to the expert.

**Sections 41 and 42** – please refer to discussion at **Section 29**.

**Section 43** amends Rule 404(b)(2)(i), Alaska Rules of Evidence. Under Rule 404, evidence of the defendant's prior bad acts is generally not admissible. There are several exceptions to this rule. Evidence in the prosecution of a physical or sexual assault or abuse of a minor that describes other similar acts by the defendant toward the same victim or other similar victims may be admissible. Current law, however, limits the

admissible evidence to acts committed within 10 years preceding the date of the currently charged crime. **Section 43** removes this time limitation. Other exceptions to the general rule, for example, sexual assault and domestic violence prosecutions, do not limit the use of prior acts to those committed within 10 years of the current offense. Further, the 10 year limit is problematic because a person convicted of a crime against a child may have been incarcerated for a significant period for the previous offense. The question of whether the prior act occurred too far in the past is then left to the judge to determine under the circumstances of the case.

**Section 44** notes that the proposed amendments to the rape shield law would have the effect of changing a court rule.

**Section 45** adopts applicability provisions.

**Section 46** notes that the changes in the rape shield protection in **Section 16** of the bill requires two-thirds majority vote in each house because it is an indirect court rule change.

**Section 47** provides an effective date of July 1, 2013.



**CSHB 73(JUD) and CSSB 22(FIN)**

**Comparison**

CSHB 73(JUD) and CSSB 22(FIN) are essentially the same, but with two exceptions:

- CSHB 73(JUD) added two sections (30 and 31) which make conforming amendments to the law that provides a savings clause in our adoption code. In that code, a victim of sexual abuse or incest that becomes pregnant as a result of the crime may initiate proceedings to terminate the parental rights of the perpetrator. If they do so, the law “saves” other remedies for them against the perpetrator. The legislature neglected to specifically include victims of sexual abuse in the savings clause. The additions specify that victims of sexual assault are protected, too.
- Both bills amend Rule 16(b), Alaska Rules of Criminal Procedure, by limiting the copying and distribution of child pornography that is attendant on the discovery process in a criminal prosecution. CSHB 73(JUD) allows the court to make arrangements to send the materials to experts both in and outside the state for examination. CSSB 22(FIN) would only allow the material to be sent to an expert out of state.

## Department of Law

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### CHANGES IN CSHB 73(JUD) FROM HB 73

- CSHB 73(JUD) added the crime of sexual assault in the fourth degree to the offenses to which the marriage defense applies. (Section 7 of the CS)
- CSHB 73(JUD) added the affirmative defense of a preexisting dating or sexual relationship to the new offenses that prohibit a probation or parole officer from engaging in sexual conduct with a person on probation or parole. (Section 8 of the CS)
- CSHB 73(JUD) clarified the drafting in section 9 of the CS.
- CSHB 73(JUD) extended the forfeiture provision to the property of both patrons and prostitutes if the property was used to aid or facilitate or derived from prostitution. HB 75 only extended forfeiture to the patron of a prostitute. The CS also required that the defendant be convicted for forfeiture to be available. (Section 10 of the CS)
- CSHB 73(JUD) removed the possibility of a court ordering a respondent to a civil protective order to be monitored by GPS or similar technology. The CS still authorizes GPS tracking in connection with bail release for a charge of a crime involving domestic violence or stalking, if done according to guidelines adopted by the Department of Corrections working with the Department of Public Safety.
- CSHB 73(JUD) added a good faith exception in section 16 of the CS, which addresses the rape shield protection, to the deadline for a defendant to bring a request to the court to introduce evidence of the victim's past or post offense sexual conduct in a prosecution for sexual assault, sexual abuse of a minor, or unlawful exploitation of a minor.

- CSHB 73(JUD) removed from the bill the provisions in HB 75 addressing procedures for determining fifth amendment privileges and the appeal of the decision to the Court of Appeals.
- CSHB 73(JUD) added a good faith exception to the deadlines for claims for credit in a treatment program against jail time while the defendant is released on bail in connection with a criminal prosecution, criminal appeal, and petition to revoke probation. The CS also gives 90 days grace after the event for the defendant to bring the claim of credit. (Sections 17 and 18 of the CS)
- CSHB 73(JUD) added a conforming amendment in section 26 of the CS to reflect the previous change in the maximum fine for a class A misdemeanor.
- CSHB 73(JUD) added conforming amendments in sections 30 and 31 of the CS to legislation regarding adoption.
- CSHB 73(JUD) provided that the Attorney General's designee for considering an application for an administrative subpoena must be either the Deputy Attorney General for the civil division or the criminal division. (Section 36 of the CS)
- CSHB 73(JUD) removed the requirement that volunteer coaches be mandatory reporters of abuse or neglect of children. (Sections 38 and 39 of the CS)
- CSHB 73(JUD) also did some "wordsmithing" in various provisions of the bill that did not result in major changes in the substance of the bill.

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# Alaska Association of Chiefs of Police

February 2, 2013

The Honorable Sean Parnell  
Governor, State of Alaska  
State Capitol Building  
PO Box 110001  
Juneau, AK 99811-0001

OFFICE OF THE GOVERNOR  
MAILROOM  
FEB - 7 2013

Dear Governor Parnell:

In my capacity as President of the Alaska Association of Chiefs of Police, I am writing to express our unequivocal support of your Omnibus Crime Bill, introduced as House Bill 73 and Senate Bill 22. Our Association is comprised of more than 100 law enforcement executives from all across Alaska, and we feel this year's Crime Bill will provide us with important tools in the battle to seek justice for victims of sexual assault, domestic violence and human trafficking.

You should be proud of a well crafted piece of legislation which, if passed, shall do much to protect vulnerable individuals in our state and to hold accountable those who prey upon them. Thank you for your strong commitment to the public's safety.

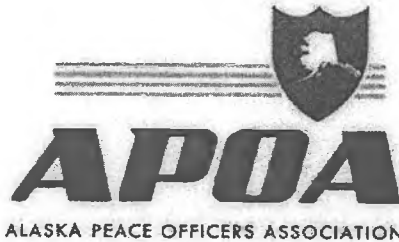
We would be pleased to work with your staff to insure that HB 73 and SB 22 are passed, and encourage you to contact our Executive Director, Kalie Klaysmat, at 907-394-5426 or by email at [kalie.klaysmat@aacop.org](mailto:kalie.klaysmat@aacop.org) should there be some way we can be of assistance in that regard. Again, thank you for your dedication and service to the people of the State of Alaska.

Respectfully,

Chief Tom Clemons, President

OFFICE OF THE GOVERNOR  
MAILROOM

FEB 15 2013



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Wrangell

February 12, 2013

The Honorable Sean Parnell  
Governor, State of Alaska  
State Capitol Building  
PO Box 110001  
Juneau, AK 99811-0001

Dear Governor Parnell:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for your dedication to the interests of our State. We are grateful for your efforts to further companion bills HB 73 and SB 22.

The APOA Executive Board's Legislative Committee reviewed this proposed legislation and decided to unanimously support these bills in their entirety.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to help with the passage of this bill.

Sincerely,

John Lucking, Jr.  
State President

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Making A Difference In The Last Frontier



# Alaska Women's Lobby

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Letter of Support HB 73  
CRIMES; VICTIMS; CHILD ABUSE AND NEGLECT  
February 2013

The Alaska Women's Lobby is a statewide grassroots organization dedicated to advancing the right of women, children and families. The Women's Lobby appreciates the Governor's work to strengthen laws that protect domestic violence and sexual assault victims and hold offenders of these crimes accountable for their actions.

We specifically support adding to the crime of sexual assault in the third degree the egregious action of a probation or parole officer engaging in sexual penetration with a person who is on probation or parole. A probation or parole officer has authority both real and implied over a person on probation or parole and as such cannot have a consensual sexual encounter with a probationer or parolee.

Probation and parole officers must exhibit professionalism whether on or off duty. When acting in an official capacity, they must not compromise the trust of the public. The Federal Probation Officers Association, the American Probation and Parole Association and Alaska's own Code of Ethics all include recognition of the office as a symbol of public faith and requires the officer to accept it as a public trust. They also ask the officer to conduct his/her personal life with decorum, neither accepting nor granting favors in connection with the office and requires officers to put loyalty to moral principles above personal consideration. Alaska's code further requires officers to not engage in undue familiarity with probationers or parolees. It is clear that people who choose to enter the probation/parole profession do so knowing they are called to keep a strict code of proper conduct and are held to high standards.

Whether or not the probationer or parolee is under the specific supervision of an officer, they know that any officer has the authority to report misconduct/violations of their probation or parole conditions and can revoke probation or parole. It seems obvious that a person would believe he or she had to comply with a request of a sexual nature or suffer more consequences.

Adding probation or parole officers engaging in sexual penetration with a person who is on probation or parole to the crime of sexual assault in the third degree sends a strong message to everyone; Alaskans expect those we entrust with upholding the law and assisting offenders to successfully re-enter our communities to be true to their professional code of ethics, to be role-models and to conduct themselves accordingly.

*AWL Statewide Steering Committee*

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*Defending and advancing the rights and needs of women, children, and families in Alaska.*

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**Statewide Steering Committee: Jayne Andreen, Elizabeth Belknap, Nancy Courtney,  
LaRae Jones, Jordan Nigro, Taber Rehbaum, Karl Robinson, Shannon Vargas  
Lobbyist: Caren Robinson**