

LEG. FINANCE - BILLS 1983 - 1984 2012

SSSB 72 cont. - SB 78 2012

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

POUCH N
ROOM 312, GOLDSTEIN BUILDING
JUNEAU, ALASKA 99811

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

PHONE: 465-4356

November 4, 1983

Elizabeth J. Hickerson
Senior Advisor
Senate Advisory Council
1024 W. 6th Avenue, Suite 203
Anchorage, Alaska 99501

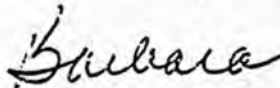
Dear Elizabeth:

I just received your letter and am planning to be out of town for the beginning of next week for regional provider meetings, so I wanted to contact you regarding rape kits. For your information, I have attached some research Susan McInnis in Fairbanks did on the status of rape kits in the Fairbanks area.

I certainly am not locked into developing any sort of task force and am anxious to explore other options. However, I want to state that I feel the Council is not the appropriate group to develop specific rape kit materials and protocols. The development of those items will require legal, medical and law enforcement expertise not present on the Council. I agree that we are the appropriate agency to oversee coordination of other agencies with specific expertise as that is mandated in our legislation. I also think it is appropriate that we establish and implement a system to assure humane and adequate collection of evidence.

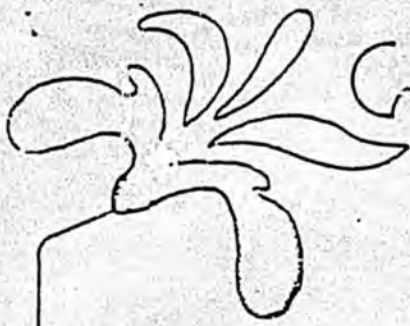
I will call you when I return to the office, so we can discuss possibilities. Now that I am more aware of what is happening statewide, I should be of more help.

Sincerely,



Barbara Miklos
Executive Director

Enclosure



WICCA

OCT 28 1983

Barbara Miklos
CDVSA
Pouch N
Jureau, Alaska
99811

October 24, 1983

Dear Barbara,

Enclosed you'll find comments from the Troopers, D.A.'s office, and Alaska Native Health Service doctors. I called each, asked how well they felt medical rape exams were being performed; asked about problems encountered and possible solutions. You'll be interested, I'd think, in the responses. I paraphrased in most cases, caught a quote or two, and tried to preserve the integrity of the responses throughout.

Interesting assignment. If notes from these people inspire more questions, I have permission from each to call again. Feel free to ask.

I'd be interested in your and Elizabeth's thoughts after reading the enclosed. I passed copies to Ruth.

Stay well.

Susan McInnis

Postscript: Barbara, you'll notice that the different points of view also interpret 'reality' differently. I suspect we'd get differing points of view from any number of people queried.

Troopers:

First Sergeant Close, in Fairbanks; supervisor for Interior Troopers.

There are health clinics in all sub-regional centers (eg: Galena, Tok, Ft. Yukon, etc.). Staffed by physician, health aide, physician's assistant, or paramedic. For the most part Close thinks they do a pretty good job. Troopers know which health aides are capable of doing the work and which are not --because they work with them daily. When the health aide (p.a., paramedic, etc) is incapable, Troopers do their best to get the victim to a better staffed clinic. Not always possible. Where there is no clinic, Troopers will try to get the victim to a subregional center where she can receive an exam.

Troopers responsible (DPS is) for cost of rape exam, for providing rape kits, for securing the evidence and transporting it to Fairbanks. Because chain of evidence is their responsibility, they try to assure an effective exam.

Close feels reporting is pretty good overall in the bush. Lots of attempted reports, and of child sexual assault. Fewer actuals. Attempteds and child sexual assaults may not necessitate exams as often as sexual assault l.

Says their greatest problems are weather and funding. A man died in Huslia the other day --from a gunshot wound to the head-- because Troopers could not get in to airvac him. Autopsy shows he probably would have died anyway, but it shows that AST is crippled by adverse weather conditions. Had Huslia had the proper equipment for guiding a plane, they might have been able to land. Same problem besets them when there is a reported sexual assault. May always be a problem in rural Alaska. Here, funding (for equipment) might help; might not.

Because AST is responsible for securing evidence, the lack of sufficient funding for rape kits is a real problem. If they can't afford to make up the kits, they can't oversee proper collection of evidence. ... As well, transportation of victims to a clinic or hospital, and paying for the exam when it's done, are both stymied by insufficient funds.

District Attorney's office:

Terry Foster, past Assistant D.A. in charge of the special assault unit.

Medical Exams from the bush are simply not up to snuff. There are logistical, emotional and training problems not encountered in urban areas. These prohibit uniform and effective collection of medical evidence. In Terry's opinion, a new law won't help.

Some of the problems:

There is much late reporting in bush communities. A sexual assault may be reported 2, 3, 4 days after taking place. Community education, a concerned and effective medical/law enforcement team could increase timely reports.

Police officers (both troopers and VPSOs) tend to minimize the importance of the rape exam. Don't effectively oversee thorough exam.

eg: If a victim says, "Hey, I'm fine. I don't need to go see the doctor (especially if seeing the doctor requires a trip to town). I just want to go home and take a bath," the p.o. is likely to let her go home. Often this is out of a desire to be sensitive to her needs, but it thwarts the collection of evidence.

eg: She related a case where the p.o. had the woman go into another room and clip her own pubic hair. Undoubtedly out of modesty or sensitivity to her modesty, but it again thwarted the collection of legal evidence. ...Another sample case, the p.o. asks the woman to brush off her own coat for evidence. Just doesn't work legally.

There is often more violence associated with a sexual assault in the bush. When this is the case, the medical exam often takes a lower priority than necessary attention to other injuries. It is excluded or only partially completed.

Health aides, paramedics, doctors, and physician's aides in the bush just aren't as sophisticated as their urban counterparts. They may do the vaginal smear, but not know to have the woman undress over a sheet of paper to catch falling fibers, blood, etc. May not do pubic combings, nail clipping, etc. This is a problem of ignorance and of staff turnover. One MD (health aide, etc.) may be very well trained, but may only stay 6 months. Replacement never receives adequate training.

In areas where there is no clinic or where it is felt that the clinic personnel cannot do a good exam, the victim may not receive an exam. She may be transported to an urban or subregional clinic. In this case, AST faces weather problems, and the problem of separating the woman from her support group at a time she most needs support. Here the state faces a dilemma: separation from her support group may

create problems for the victim but guarantee legal evidence. Not separating her from her support group means a loss of evidence for the case. Transporting the victim can also mean a delay in time which will mean loss of evidence.

Another example of the problems created by distance and weather: A woman was assaulted in Kaltag shortly after Terry became a d.a. At the time, she wanted to report, she had support from the community. Troopers were called, but it took them two days to get there. Meanwhile supportive villagers were protecting the victim from the assailant, but "that maniac was still running around loose and by the time they got there the evidence was lost."

In Terry's mind, sexual assault and child sexual assault in the bush "are the prime unmet issues in law in Alaska." Because of the idiosyncracies in the bush, no system can be effectively applied over time. Each case must be dealt with individually.

Nonetheless, she would oppose new laws. Laws, she says, are to enforce what the people refuse to do on their own. Law enforcement officers, health aides, etc., are not refusing to do their job. They don't know what to do... Or they don't know why they are being asked to do it. (Terry says the latter may be the greatest problem. The explanation sheet with the exam tells what to do --it doesn't tell the officer or medical person WHY he/she is being asked to do it. So, they get lax). In some cases an experienced person (eg: Trooper) is frustrated in his/her work by an inexperienced person (generally the health aide, p.a., md, etc.) No law will rectify that situation.

Finally, emotional ties in the bush often preclude effective exams. The health aide is the assailant's aunt... has a bit of a feud going with the victim's family... has been told to steer clear of either family, etc.... Small bush communities are family-oriented communities. Where that creates a problem for effective medical exams or collection of evidence, no law will offer a solution.

Terry does agree that a simplified protocol which could be followed by a partially educated medical person or law enforcement officer might help. Standardized rape kits, readily available and understood by police and medical personnel would help. Education about sexual assault generally, legal aspects, emotional aspects, medical aspects --in the community and particularly for those legally involved--would help. Laws won't do it.

Pat Duggan, Assistant District Attorney, Fairbanks. In charge of the Barrow area.

Pat feels that medical rape exams are done pretty well. No significant problems.

He does encounter a bureaucratic problem with the Public Health Service from time to time. They have been reluctant in certain cases to do rape exams to collect evidence. Most recently, doctors' supervisors have been reluctant to have the physicians, physician and patient records subpoenaed. He has worked with them and settled the problem.

Non-native patient/victims may be a problem. Although the Barrow hospital is the only available health service, it is a native facility and non-natives can be refused service such as a rape exam. (Pat hadn't any specific problems or complaints in this area --was simply saying that it could be a problem).

No, says Duggan, a law would not help the effectiveness of rape exams. In Barrow, as in all Indian Native Health Service communities, the staff is made up of federal employees. No state statute would govern their provision of care. They now perform rape exams at the request of the state --but exams for the purpose of collecting evidence would not be considered a medical service.

Pat believes that where there is reluctance to collect evidence, it would be exacerbated by a state law. The federal facility might just refuse.

At this point he usually speaks with a new physician, discusses the state's needs and gains the doctor's willingness to assist. Good rapport between the government agencies seems the better route. *report*

Dr. Ron Gould; Director of Patient Care Services. Supervises health aides in 28 villages.

Referred me to Dr. Pete Marshall. but did give the following comments:

Villages of a size to have a health aide would usually transport the patient to a subregional center for the exam. By and large they are not trained in gyn: pelvics, paps, etc.

Dr. Gould suspects there is little call for rape exams in health-aide staffed villages. He believes he would be getting calls from health aides seeking assistance or to check on their work were there more-exams being given.

When asked if the health care system in villages should be upgraded to include training and protocol for rape exams, he said: It would be reasonable, but must take into account the varying levels of sophistication among health aides, and the family ties in villages. Any confrontation requiring medical assistance places the health aide in jeopardy. "A health aide would rather 'seal off' from all that to protect herself." Giving a rape exam could be a sign of taking sides in a confrontation which also included sexual assault.

Dr. Peter Marshall --Alaska Native Health Service; Clinical Director (over health care in regional/subregional centers)

Dr. Marshall sees that the bureaucratic system is in place: things flow well from village to subregional or regional center --but it doesn't work. He does not feel that laws or regulations will help it function any better.

In Marshall's experience and belief, there is an "incredible range of assaults and abuses taking place, but no complaints."

"You can see why when you know what happens when someone does complain..." In Stevens Village, for example, a woman was raped by two men. The health aide reported the incident and the woman was transported to Fairbanks (regional center for S.V.). The men were identified, taken to Fbx for arraignment, and released on bail within 24-hours. They returned to Stevens Village to threaten the health aide for having reported the incident. In addition to threats, the men shot at her house with a rifle. She has since (because of that and other incidents) resigned and left the village.

Marshall believes that the reality of the village situation lags far behind the hopes of anyone who wants to improve care (legal/medical) to individuals there. There is an intense distrust of any interference in local relationships or problems.

'We recognize the rights of the accused (and have a system to protect him/her, as well as the victim and the state), but you can't convince small villages of that. 110 people living in a scattered cluster of cabins spread over a remote area are totally interdependent. When one of those people commits what we see as a crime, even when we protect his/her rights, we are still seen as ripping him away from his people and his position in the community. To the villagers, the person who complains is at fault --and at risk of retribution.'

Indirectly, I think Dr. Marshall is making a bid for education and altered services over any laws you might propose. He suggests --as concerns the whole range of child abuses-- that the system be decriminalized. The state or feds could 'encourage people to come forth because the act in question is not good for the people or for the village. Then help them work out an in-place solution.' When asked if he suggests that same altered system when it comes to sexual assault of adults, he said: "We're not getting anywhere with the current system. A changed one might work better."

Marshall

He cited the example of the state regs re child abuse (etc.): They allow the state to remove children from a home which neglects or abuses them. The federal regs now require that children of Natives be returned to the immediate family, extended family or tribe as soon as possible. The difference between the two laws puts health care providers in a bind. As a result, he says, they have had to take a closer look at counseling/working with the families, in order to facilitate a speedy return of the child. In cases where the state has been able to make a good placement (in a native home) of the abused/neglected child, and give excellent counseling to the problem parent --as well as other family members-- they are finding that the family can recover and change..

He feels that if the state concentrates on the possible consequences of laws (more laws regarding reporting would result in an uproar --and danger to those who would report, collect evidence, etc.), and on improving the outcome for people, there may be a better result.

At this point, however, he agrees with Terry Foster that matters having to do with crimes in villages will have to be taken case by case --suspending system to work with the idiosyncracies of village life.

Dr. Marshall had some thoughts on alcohol during the conversation. Venetie is and has been a dry community. In the four years Dr. M. has been traveling to Ft. Yukon and its near villages, "the worst thing that ever happened in Venetie was when a Ft. Yukon man came in, beat up old Mr. Christian (who was 90) and killed him." In Stevens Village --a wet village-- assaults and abuses, and murders, happen all the time. People are drunk all the time. "In Venetie, people live normal lives. There is very little violence." It's a tangent, but a thoughtful one, yes?

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

2/1/84
~~2/25/83~~

Date: 2/10/84
2/14

Mr. President:

The Committee on HESS has had ^{SS} SENATE BILL NO 72

An Act relating to ~~free emergency medical examinations~~
of ~~victims of sexual offense~~ (sexual assault investigations)

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SSSB 72 (Hess) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
Rick Halford
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Paul Grubbe No Rec

[Signature]
DO PASS CHAIRMAN

HCS

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 72 Date on Bill: 1/25/83
 Title: "An Act relating to free emergency medical examinations of victims of sexual offenses"
 Sponsor: Sens. Kerttula, V. Fischer and Josephson
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	0	0	0	0
Operating	0	0	0	0
Total	0	0	0	0

b. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Dean Tirador
 Division: Public Health

Phone: 465-3090
 Date: 2-10-83

Approved by Commissioner: Robert London Smith
 Department: Health and Social Services

Date: 2/14/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor:

POSITION PAPER

SENATE BILL NO. 72

"An Act relating to free emergency medical examinations of victims of sexual offenses."

This Bill adds a new section to the statute governing the Violent Crimes Compensation Board which provides that the victim of sexual assault or, in the case of a minor, a victim of sexual abuse may request and shall receive free emergency medical examination at a public or private hospital or other emergency medical facility so that evidence may be gathered to assist in the possible prosecution of the offender. The Bill also provides that the Board may reimburse the hospital or emergency facility for the reasonable costs of the examination. It further provides for retroactive payment to the victim or parent if the victim agrees to aid in the prosecution of the offender.

The Department of Health and Social Services endorses measures which assist in law enforcement. Costs of examinations for victims are coverable under the state's Medicaid program at present and under many health insurance programs. We have no means to estimate how this Bill would affect the costs to the Violent Crimes Compensation Board. We do not anticipate any increased costs to the medical assistance programs administered by this Department.

It is noted that no provision is made for reimbursement of costs to physicians or other health care providers who may be involved in such examinations.

Recommended by: E. S. Rabeau, M.D.
E. S. Rabeau, M.D., Director
Division of Public Health

Date: Feb. 10, 1983

Approved by: Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and Social Service

Date: 2/14/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 72 Date on Bill: 1-25-83
 Title: An Act relating to free emergency medical examinations of victims of sexual assault
 Sponsor: Kerttula, V. Fischer and Josephson
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		90.6	93.4	99.1
Total		90.6	93.4	99.1

b. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

According to the Council on Domestic Violence, approximately 500 victims of sexual offenses per year who need medical examinations do not receive them. There will be additional hearings, as all persons applying would not be eligible by statute.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Nola K. Capp, Administrator *mbc* Phone: 465-3040
 Division: Violent Crimes Compensation Board Date: 2/24/83

Approved by Commissioner: *Robert L. Steeg* Date: 2/28/83
 Department: _____

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

FISCAL NOTE DETAIL
BILL NO. SB 72

EXPENDITURES		FY 83	FY 84	FY 85	FY 86
100	Personal Services		26.6	28.2	29.9
200	Travel		7.9	8.4	8.9
300	Contractual		8.6	9.1	9.7
400	Commodities				
500	Equipment		2.5		
600	Land & Structures				
700	Grants, Claims, etc.		45.0	47.7	50.6
800	Miscellaneous				
TOTAL			90.6	93.4	99.1
FUNDING					
General Fund			90.6	93.4	99.1
Federal Funds					
Program Receipts					
Inter-Agency Receipts					
Other					
POSITIONS					
Full Time			1	1	1
Part Time/Seasonal					
Non-Perm					
Months			12	12	12

ANALYSIS:

If the proposed legislation is enacted, it is anticipated there would be an increase of approximately 500 claims, as the Council on Domestic Violence states approximately 500 victims of sexual offenses need medical attention each year who do not receive it. The medical costs would be approximately \$90 per claim, making a total of \$45,000 needed for grant money and this is a conservative estimate.

Because there will be an increase of claims, it is determined it will be necessary to have one more board meeting at a cost of \$1500.00. Because of the eligibility requirements of the statute it is anticipated there would be 8 hearings at \$800 for travel per hearing.

The current staff for the Violent Crimes Compensation Board consists of two persons. This change in the statute would necessitate the addition of a clerk typist (range 8) and associated costs, including equipment.

Under contractual services, there would be a need for a terminal only for the IBM displaywriter at \$3000.00 per year. There would be the cost of hearing officers' fees for 8 hearings at \$700 per hearing or a total cost of \$5600. The costs are assumed to begin 7/1/83.

1.	POSITION TITLE Clerk-Typist III			RANGE/STEP 8B	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELI "TION DISTRICT 4	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES*								
5.	Salary	19,176							
6.	Benefits	3,367							
7.	Supplemental Benefits	1,175							
8.	Fixed Benefits	2,880							
9.	TOTAL PERSONAL SERVICES	01	26,598						
10.	Travel	02							
11.	Contractual	03							
12.	Commodities	04							
13.	Equipment	05	2,484						
14.	Other		29,082						
15.	TOTAL COST								
<p>The number of claims received annually by the Violent Crimes Compensation Board has doubled since 1976 and is projected to double again during the two-year period ending 6/30/84. Yet the program has only the same two-person staff it had in 1973.</p> <p>It is anticipated the change in the statute will increase the number of claims by 500. This increase, on top of the existing understaffing, will necessitate the addition of a clerk-typist and associated costs, including equipment.</p> <p>There will be an increase in hearings, which must be transcribed verbatim.</p> <p>The equipment costs include a desk, chair, file cabinet, table, calculator and transcriber.</p>									
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		29,082					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
<p>FOR B&M USE ONLY</p> <p>4A KEY NUMBER _____</p>									

AGENCY Department of Public Safety

PROGRAM Crime Identification & Apprehension

BRU Violent Crimes Compensation Board

COMPONENT _____

13 REQUEST FOR
NEW POSITION

FY 84

Page 1 of 1
Revised Date 2/24/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSSB72(HESS)
 Title: "An act relating to sexual assault investigation."
 Sponsor: Senator Kerttula
 Requestor: Senate Finance
 Date of Request: 2-15-84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		5 0				
200 TRAVEL		70 0				
300 CONTRACTUAL		38 0				
400 SUPPLIES		9 0				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		122 0	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		122.0	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan
 Division: Alaska State Troopers

Phone: 269-5691

Date: 02/06/84

Approved by Commissioner: Robert J. Sundberg
 Agency: Public Safety

Date: 2/6/84

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

CSSSSB 72 (HESS)
FISCAL NOTE
FY'85

100 -	<u>Personal Services</u> - 10 hours of overtime per month for a Alaska State Trooper, Sergeant, 78K (Note - Much of this training involving the legal implications of sexual assault investigations will need to be provided by a lawyer from the Department of Law.)		\$ 4,979
200 -	<u>Travel</u>		
	a) Travel & Per Diem must be provided for the Registered Nurse who will train Medical Institutions throughout the state in the use of the sexual assault kits.	\$14,000	
	b) Travel & Per Diem must be provided for a three man team which will train all state and local law enforcement officers with training in witness/victim interviews, victim sensitivity, crisis intervention and serological and biological evidence gathering.	<u>\$56,000</u>	\$ 70,000
300 -	<u>Contractual</u> - Personal Services contract with Registered Nurse to train Medical Facilities throughout the state in the use of the sexual assault examination kits.		\$ 38,000
400 -	<u>Commodities</u> - We would need approximately 600 kits the first year to replace all of the kits now in use and for training purposes. The cost is estimated to be about \$15.00 for each kit.		<u>\$ 9,000</u>
		Total	\$121,979

Note - These costs are needed in the first year only. Replacement costs for the kits are budgeted in the operating budget of the Crime Lab.

POSITION PAPER

SENATE BILL No. 72

"An act relating to sexual assault investigations"

The bill requires the Departments of Public Safety, Law, and Health & Social Services to cooperatively establish a statewide uniform investigation and examination process for victims of sexual assault. The implementation of the process includes the development of manual protocols, and a specific sexual assault examination kit which will be distributed to appropriate law enforcement, and health care providers in the state.

In addition, the bill will provide a unified method for collection of data and specimens that will assure the best possible protection of the victim and the accused.

The Department of Health & Social Services endorses measures which will assure protection of the public and assists law enforcement.

Recommended by: E.S. Rabeau, M.D.
E.S. Rabeau, M.D., Director
Division of Public Health

Date: 2-3-84

Approved by: Robert London Smith
Robert London Smith, Ph.D.
Commissioner

Date: 2/6/84

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

Date: 5-16-84

5/1/84

The Committee on FINANCE has had CSSSSB 72 (HESS) am
"An Act relating to sexual assault investigations."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CSSSSB 72 (HESS) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" ⁵⁻¹⁵⁻⁸⁴ New Fiscal Note 3
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Alberts Adams

J.P. Whitworth

Johnson

W.H. Martin

Thompson

James

John A. Smith

John Smith

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Pass unamended - get These S.O.B.'s

Alberts Adams
CHAIRMAN

Offered: 5/1/84
Referred: Finance

Original sponsors: Kerttula, V.Fischer
and Josephson

1 IN THE SENATE
2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 72 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to sexual assault investigations."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. AS 18 is amended by adding a new chapter to read:
9 CHAPTER 68. SEXUAL ASSAULT INVESTIGATIONS.
10 Sec. 18.68.010. SEXUAL ASSAULT EXAMINATION KIT. (a) The De-
11 partment of Public Safety and the Department of Law shall develop a
12 uniform sexual assault examination kit.
13 (b) Under protocols developed under AS 18.68.020
14 (1) the Department of Public Safety shall distribute the
15 kits throughout the state; and
16 (2) peace officers and health care providers shall use the
17 kits for the gathering of evidence in cases of suspected sexual as-
18 sault.
19 (c) The appropriate person under the protocols developed under
20 AS 18.68.020 shall provide a sexual assault examination kit at no
21 charge.
22 (d) This section does not prohibit the introduction in court of
23 evidence obtained without the use of a sexual assault examination kit.
24 Sec. 18.68.020. SEXUAL ASSAULT INVESTIGATIONS PROTOCOLS. (a)
25 The Department of Public Safety and the Department of Law in conjunc-
26 tion with the Department of Health and Social Services shall develop a
27 manual of protocols governing the distribution and use of the sexual
28 assault examination kit developed under AS 18.68.010.
29 (b) The Department of Public Safety shall distribute copies of

1 the protocol manual developed under this section to the appropriate
2 peace officers and health care providers in the state.

3 Sec. 18.68.030. TRAINING IN PROTOCOLS AND SEXUAL EXAMINATION
4 KITS. The Department of Public Safety and the Department of Law shall
5 develop and implement training in the use of the protocols and the
6 sexual assault examination kits for peace officers, district attor-
7 neys, and appropriate law enforcement agencies, health care providers,
8 and sexual assault program personnel.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HCS CS SB 72 (HCS)
Title: Sexual Assault Investigation

FISCAL DETAIL

Agency Affected: Dept. of Public Safety
Program Category Affected: Administration of Justice
BRU, Program or Subprogram(s) Affected: Alaska State Troopers

Sponsor: Senator Kerttula
Requestor: House Finance Cmtee.
Date of Request: 5/15/84

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		38.0				
400 SUPPLIES		9.0				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		\$47.0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		\$47.0				
FEDERAL FUNDS						
OTHER						
TOTAL		\$47.0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

~~SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILLS~~ The only funds provided are those needed to contract with a nurse for training of medical personnel and those needed to purchase the sexual assault kits. The funds requested for personal services (\$5.0) and travel (\$70.0) can be absorbed in the Department's FY 85 budget. The \$5.0 is incidental and can easily be absorbed. The travel can also be absorbed since the Department's travel budget in FY 85 is over \$2 million dollars.

ANALYSIS: Attach a separate page for analysis.

Prepared By: Representative Al Adams, Chair Phone: 465-3706
Division: House Finance Committee Date: 5/15/84

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HCS SB 72 (HESS)
 Title: Sexual Assault Investigation
 Sponsor: Kerttuia
 Requestor: House Finance Cmtee.
 Date of Request: 5/15/84

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		\$24.8				
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		\$24.8				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		\$24.8				
FEDERAL FUNDS						
OTHER						
TOTAL		\$24.8				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

~~SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL~~

In FY 82, the legislature provided sufficient funds to pay for the position requested in the Dept. of Law's fiscal note for this bill. If the position is currently vacant, the Dept. should fill the position instead of requesting new funding from the legislature. Therefore, this fiscal note only provides funding for printing the protocol, etc.

ANALYSIS: Attach a separate page for analysis

Prepared By: Rep. Al Adams, Chair Phone: 465-3706
 Division: House Finance Committee Date: 5/15/84

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

Offered: 5/1/84
Referred: Finance

Original sponsors: Kerttula, V.Fischer
and Josephson

1 IN THE SENATE BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 72 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to sexual assault investigations."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. AS 18 is amended by adding a new chapter to read:
9 CHAPTER 68. SEXUAL ASSAULT INVESTIGATIONS.
10 Sec. 18.68.010. SEXUAL ASSAULT EXAMINATION KIT. (a) The De-
11 partment of Public Safety and the Department of Law shall develop a
12 uniform sexual assault examination kit.
13 (b) Under protocols developed under AS 18.68.020
14 (1) the Department of Public Safety shall distribute the
15 kits throughout the state; and
16 (2) peace officers and health care providers shall use the
17 kits for the gathering of evidence in cases of suspected sexual as-
18 sault.
19 (c) The appropriate person under the protocols developed under
20 AS 18.68.020 shall provide a sexual assault examination kit at no
21 charge.
22 (d) This section does not prohibit the introduction in court of
23 evidence obtained without the use of a sexual assault examination kit.
24 Sec. 18.68.020. SEXUAL ASSAULT INVESTIGATIONS PROTOCOLS. (a)
25 The Department of Public Safety and the Department of Law in conjunc-
26 tion with the Department of Health and Social Services shall develop a
27 manual of protocols governing the distribution and use of the sexual
28 assault examination kit developed under AS 18.68.010.
29 (b) The Department of Public Safety shall distribute copies of

1 the protocol manual developed under this section to the appropriate
2 peace officers and health care providers in the state.

3 Sec. 18.68.030. TRAINING IN PROTOCOLS AND SEXUAL EXAMINATION
4 KITS. The Department of Public Safety and the Department of Law shall
5 develop and implement training in the use of the protocols and the
6 sexual assault examination kits for peace officers, district attor-
7 neys, and appropriate law enforcement agencies, health care providers,
8 and sexual assault program personnel.

Offered: 2/14/84
Referred: Finance

Original sponsors: Kerttula, V. Fischer
and Josephson

1 IN THE SENATE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 72 (HESS) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
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3 develop and implement training in the use of the protocols and the
4 sexual assault examination kits for peace officers, district attor-
5 neys, and appropriate law enforcement agencies, health care providers,
6 and sexual assault program personnel.

Offered: 2/14/84
Referred: Finance

Original sponsors: Kerttula, V.Fischer
and Josephson

1 IN THE SENATE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 72 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to sexual assault investigations."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
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14 (1) the Department of Public Safety shall distribute the
15 kits throughout the state; and
16 (2) peace officers and health care providers shall use the
17 kits for the gathering of evidence in cases of suspected sexual as-
18 sault.
19 (c) The appropriate person under the protocols developed under
20 AS 18.68.020 shall provide a sexual assault examination kit at no
21 charge to an alleged victim of a sexual assault.
22 Sec. 18.68.020. SEXUAL ASSAULT INVESTIGATIONS PROTOCOLS. (a)
23 The Department of Public Safety and the Department of Law in conjunc-
24 tion with the Department of Health and Social Services shall develop a
25 manual of protocols governing the distribution and use of the sexual
26 assault examination kit developed under AS 18.68.010.
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28 the protocol manual developed under this section to the appropriate
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4 sexual assault examination kits for peace officers, district attor-
5 neys, and appropriate law enforcement agencies, health care providers,
6 and sexual assault program personnel.

Introduced: 2/1/84
Referred: Health, Education and
Social Services
and Finance

BY KERTTULA, V.FISCHER
AND JOSEPHSON

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 72

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to sexual assault investigations."

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

8 * Section 1. AS 18 is amended by adding a new chapter to read:

9 CHAPTER 68. SEXUAL ASSAULT INVESTIGATIONS.

10 Sec. 18.68.010. SEXUAL ASSAULT EXAMINATION KIT. (a) The De-
11 partment of Public Safety in conjunction with the Department of Law
12 and the Department of Health and Social Services shall develop a
13 uniform sexual assault examination kit.

14 (b) Under protocols developed under AS 18.68.020

15 (1) the Department of Public Safety shall distribute the
16 kits throughout the state; and

17 (2) peace officers and health care providers shall use the
18 kits for the gathering of evidence in cases of suspected sexual as-
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20 (c) The appropriate person under the protocols developed under
21 AS 18.68.020 shall provide a sexual assault examination kit at no
22 charge to an alleged victim of a sexual assault.

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24 The Department of Public Safety in conjunction with the Department of
25 Law and the Department of Health and Social Services shall develop a
26 manual of protocols governing the distribution and use of the sexual
27 assault examination kit developed under AS 18.68.010.

28 (b) The Department of Public Safety shall distribute copies of
29 the protocol manual developed under this section to the appropriate

1 peace officers and health care providers in the state.

Original sponsors: Pettyjohn, Sturgulewski,
Halford, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 74 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor, sexual assault, and indecent exposure; and
8 extending the time limitation for prosecution of
9 sexual offenses."

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

11 * Section 1. AS 11.41.420 is repealed and reenacted to read:

12 Sec. AS 11.41.420. SEXUAL ASSAULT IN THE SECOND DEGREE. (a) An
13 offender commits the crime of sexual assault in the second degree if
14 the offender engages in

15 (1) sexual contact with another person without consent of
16 that person; or

17 (2) sexual penetration with a person who the offender knows
18 (A) is suffering from a mental disorder or defect
19 which renders the person incapable of appraising the nature of
20 the conduct under circumstances in which a person who is capable
21 of appraising the nature of the conduct would not engage in
22 sexual penetration; or

23 (B) is incapacitated.

24 (b) Sexual assault in the second degree is a class B felony.

25 * Sec. 2. AS 11.41 is amended by adding new sections to read:

26 Sec. AS 11.41.434. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

27 (a) An offender commits the crime of sexual abuse of a minor in the
28 first degree if

29 (1) being 16 years of age or older, the offender engages in

1 sexual penetration with a person who is under 13 years of age or aids,
2 induces, causes, or encourages a person who is under 13 years of age
3 to engage in sexual penetration with another person; or

4 (2) being 18 years of age or older, the offender engages in
5 sexual penetration with a person who is under 18 years of age and who

6 (A) is entrusted to the offender's care by authority
7 of law; or

8 (B) is the offender's son or daughter, including an
9 illegitimate or adopted child, or a stepchild.

10 (b) Sexual abuse of a minor in the first degree is an unclassi-
11 fied felony and is punishable as provided in AS 12.55.

12 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

13 (a) An offender commits the crime of sexual abuse of a minor in the
14 second degree if

15 (1) being 16 years of age or older, the offender engages in
16 sexual penetration with a person who is 13, 14, or 15 years of age and
17 at least three years younger than the offender, or aids, induces,
18 causes or encourages a person who is 13, 14, or 15 years of age and at
19 least three years younger than the offender to engage in sexual pene-
20 tration with another person;

21 (2) being 16 years of age or older, the offender engages in
22 sexual contact with a person who is under 13 years of age or aids,
23 induces, causes, or encourages a person under 13 years of age to
24 engage in sexual contact with another person;

25 (3) being 18 years of age or older, the offender engages in
26 sexual contact with a person who is under 18 years of age and who

27 (A) is entrusted to the offender's care by authority
28 of law; or

29 (B) is the offender's son or daughter, including an

1 illegitimate or adopted child, or a stepchild; or

2 (4) being 16 years of age or older, the offender aids,
3 induces, causes, or encourages a person who is under 16 years of age
4 to engage in conduct described in AS 11.41.455(a)(2) - (6).

5 (b) Sexual abuse of a minor in the second degree is a class B
6 felony.

7 Sec. 11.41.438. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.

8 (a) An offender commits the crime of sexual abuse of a minor in the
9 third degree if, being 16 years of age or older, the offender engages
10 in sexual contact with a person who is 13, 14, or 15 years of age and
11 at least three years younger than the offender.

12 (b) Sexual abuse of a minor in the third degree is a class C
13 felony.

14 * Sec. 3. AS 11.41.440 is repealed and reenacted to read:

15 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE FOURTH DEGREE.

16 (a) An offender commits the crime of sexual abuse of a minor in the
17 fourth degree if, being under 16 years of age, the offender engages in
18 sexual penetration or sexual contact with a person who is under 13
19 years of age and at least three years younger than the offender.

20 (b) Sexual abuse of a minor in the fourth degree is a class A
21 misdemeanor.

22 * Sec. 4. AS 11.41 is amended by adding a new section to read:

23 Sec. 11.41.460. INDECENT EXPOSURE. (a) An offender commits the
24 crime of indecent exposure if the offender intentionally exposes the
25 offender's genitals to another person with reckless disregard for the
26 offensive, insulting, or frightening effect the act may have on that
27 person.

28 (b) Indecent exposure before a person under 16 years of age is a
29 class A misdemeanor. Indecent exposure before a person 16 years of

1 age or older is a class B misdemeanor.

2 * Sec. 5. AS 11.41.470 is amended to read:

3 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
4 11.41.470, unless the context requires otherwise,

5 (1) "incapacitated" means [THAT A PERSON IS] temporarily
6 incapable of appraising the nature of one's own [HIS] conduct and [IS]
7 physically unable to express unwillingness to act;

8 (2) "victim" means the person alleged to have been sub-
9 jected to sexual assault in any degree or sexual abuse of a minor in
10 any degree;

11 (3) "without consent" means that a person

12 (A) with or without resisting, is coerced by the use
13 of force against a person or property, or by the express or
14 implied threat of [IMMINENT] death, imminent physical injury, or
15 [IMMINENT] kidnapping to be inflicted on anyone; or

16 (B) is incapacitated as a result of an act of the
17 defendant.

18 * Sec. 6. AS 11.61.110(a)(7) is amended to read:

19 (7) the offender [HE] intentionally exposes the offender's
20 [HIS GENITALS,] buttock or [,] anus [, OR FEMALE BREAST] to another
21 with reckless disregard for the offensive or insulting effect the act
22 may have on that person.

23 * Sec. 7. AS 12.10.020 is amended by adding a new subsection to read:

24 (c) Even if the general time limitation has expired, a prosecu-
25 tion under AS 11.41.410 - 11.41.460 for an offense committed against a
26 person under the age of 16 may be commenced within one year after the
27 crime is reported to a peace officer or the person reaches the age of
28 16, whichever occurs first. This subsection does not extend the
29 period of limitation by more than five years.

1 * Sec. 8. AS 12.55.125(1) is amended to read:

2 (1) A defendant convicted of sexual assault in the first degree
3 or sexual abuse of a minor in the first degree may be sentenced to a
4 definite term of imprisonment of not more than 30 years, and shall be
5 sentenced to the following presumptive terms, subject to adjustment as
6 provided in AS 12.55.155 - 12.55.175:

7 (1) if the offense is a first felony conviction and does
8 not involve circumstances described in (2) of this subsection, eight
9 years;

10 (2) if the offense is a first felony conviction, and the
11 defendant possessed a firearm, used a dangerous instrument, or caused
12 serious physical injury during the commission of the offense, 10
13 years;

14 (3) if the offense is a second felony conviction, 15 years;

15 (4) if the offense is a third felony conviction, 25 years.

16 * Sec. 9. AS 18.66.900(6) is amended to read:

17 (6) "sexual assault" means a crime specified in AS 11.41.-
18 410 - 11.41.450 [OR AS 11.51.130(a)(4)];

19 * Sec. 10. AS 11.41.410(a)(3) and (4), AS 11.41.430, and AS 11.51.-
20 130(a)(4) are repealed.

21 * Sec. 11. Section 7 of this Act applies to offenses committed during
22 or after the five years immediately before the effective date of this Act.
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THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS SB 74 (Finance)

Title Sexual Abuse of a Minor

Requested by House Finance Committee

Date 6/22/83

II. FISCAL DETAIL

Agency Affected DHSS/ Department of Law

Program Category Affected _____

BRU, Program, Or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0				

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

The House Finance Committee is not providing any funding for this legislation. The Legislature is appropriating funding for six new attorney positions in other fiscal notes and the amount requested by the Department of Law for this bill can be absorbed by those appropriations. Also, the Legislature is appropriating a substantial amount for new prison construction this year, and the amount requested by the Department of Corrections can be absorbed by that appropriation.

IV. DATE 6/22/83

PREPARED BY Al Adams, Chair *ABA*

AGENCY House Finance Committee

Original: Legislative Finance

PHONE 465-3706

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

1 person under 16 years of age but 13 years of age or older to engage in
2 sexual penetration with another person.

3 (b) Sexual abuse of a minor in the second degree is a class C
4 felony.

The following individuals may testify on SB 74:

Senator Fritz Pettyjohn, prime sponsor

A representative of the Division of Corrections, Department of Health and Social Services

Gail Huretsky, Office of the Chief Prosecutor, Department of Law

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Introduced: 1/26/83
Referred: Health, Education and
Social Services and
Judiciary

BY PETTYJOHN, STURGULEWSKI,
HALFORD, FAIKS, P. FISCHER
AND KELLY

1 IN THE SENATE

2 SENATE BILL NO. 74

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to sexual abuse of a minor."

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

8 * Section 1. AS 11.41.440 is amended to read:

9 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR. (a) A person commits
10 the crime of sexual abuse of a minor in the first degree if, being 16
11 years of age or older, that person [HE]

12 (1) [ENGAGES IN SEXUAL PENETRATION WITH A PERSON WHO IS
13 UNDER 16 YEARS OF AGE BUT 13 YEARS OF AGE OR OLDER OR AIDS, INDUCES,
14 CAUSES OR ENCOURAGES A PERSON UNDER 16 YEARS OF AGE BUT 13 YEARS OF
15 AGE OR OLDER TO ENGAGE IN SEXUAL PENETRATION WITH ANOTHER PERSON;]

16 (2) engages in sexual contact with a person who is under 13
17 years of age or aids, induces, causes or encourages a person under 13
18 years of age to engage in sexual contact with another person; or

19 (3) aids, induces, causes or encourages a person who is
20 under 16 years of age to engage in conduct described in AS 11.41.455-
21 (a)(2) - (6).

22 (b) Sexual abuse of a minor in the first degree is a class B [C]
23 felony.

24 * Sec. 2. AS 11.41 is amended by adding a new section to read:

25 Sec. 11.41.442. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

26 (a) A person commits the crime of sexual abuse of a minor in the
27 second degree if, being 16 years of age or older, that person engages
28 in sexual penetration with a person who is under 16 years of age but
29 13 years of age or older or aids, induces, causes, or encourages a

1 person under 16 years of age but 13 years of age or older to engage in
2 sexual penetration with another person.

3 (b) Sexual abuse of a minor in the second degree is a class C
4 felony.

The following individuals may testify on SB 74:

Senator Fritz Pettyjohn, prime sponsor

A representative of the Division of Corrections, Department of Health and Social Services

Gail Huretsky, Office of the Chief Prosecutor, Department of Law

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* Sec. 8. AS 18.66.900(6) is amended to read:

(6) "sexual assault" means a crime specified in AS 11.41.-
410 - 11.41.450 [OR AS 11.51.130(a)(4)];

* Sec. 9. AS 11.41.410(a)(3) and (4), AS 11.41.430, AS 11.51.130(a)(4),
and AS 11.61.110(a)(7) are repealed.

1 sexual penetration with a person who is under 13 years of age or aids,
2 induces, causes, or encourages a person who is under 13 years of age
3 to engage in sexual penetration with another person; or

4 (2) being 18 years of age or older, the offender engages in
5 sexual penetration with a person who is under 18 years of age and who

6 (A) is entrusted to the offender's care by authority
7 of law; or

8 (B) is the offender's son or daughter, including an
9 illegitimate or adopted child, or a stepchild.

10 (b) Sexual abuse of a minor in the first degree is a class A
11 felony.

12 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

13 (a) A person commits the crime of sexual abuse of a minor in the
14 second degree if

15 (1) being 16 years of age or older, the offender engages in
16 sexual penetration with a person who is 13, 14, or 15 years of age and
17 more than three years younger than the offender, or aids, induces,
18 causes or encourages a person who is 13, 14, or 15 years of age and
19 more than three years younger than the offender to engage in sexual
20 penetration with another person;

21 (2) being 16 years of age or older, the offender engages in
22 sexual contact with a person who is under 13 years of age or aids,
23 induces, causes, or encourages a person under 13 years of age to
24 engage in sexual contact with another person;

25 (3) being 18 years of age or older, the offender engages in
26 sexual contact with a person who is under 18 years of age and who

27 (A) is entrusted to the offender's care by authority
28 of law; or

29 (B) is the offender's son or daughter, including an

Offered: 5/18/83
Referred: Judiciary

Original sponsors: Pettyjohn, Sturgulewski,
Halford, et al

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 74 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor, sexual assault, and indecent exposure; and
8 extending the time limitation for prosecution of
9 sexual offenses."

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

11 * Section 1. AS 11.41.420 is repealed and reenacted to read:

12 Sec. AS 11.41.420. SEXUAL ASSAULT IN THE SECOND DEGREE. (a) A
13 person commits the crime of sexual assault in the second degree if the
14 offender engages in

15 (1) sexual contact with another person without consent of
16 that person; or

17 (2) sexual penetration with a person who the offender knows
18 (A) is suffering from a mental disorder or defect
19 which renders the person incapable of appraising the nature of
20 the conduct under circumstances in which a person who is capable
21 of appraising the nature of the conduct would not engage in
22 sexual penetration; or

23 (B) is incapacitated.

24 (b) Sexual assault in the second degree is a class B felony.

25 * Sec. 2. AS 11.41 is amended by adding new sections to read:

26 Sec. AS 11.41.434. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

27 (a) A person commits the crime of sexual abuse of a minor in the
28 first degree if

29 (1) being 16 years of age or older, the offender engages in

1 crime of indecent exposure if the offender intentionally exposes the
2 offender's genitals, buttock, anus, or female breast to another person
3 with reckless disregard for the offensive, insulting, or frightening
4 effect the act may have on that person.

5 (b) Indecent exposure before a person under 16 years of age is a
6 class A misdemeanor. Indecent exposure before a person 16 years of
7 age or older is a class B misdemeanor.

8 * Sec. 6. AS 11.41.470 is amended to read:

9 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
10 11.41.470, unless the context requires otherwise,

11 (1) "incapacitated" means [THAT A PERSON IS] temporarily
12 incapable of appraising the nature of one's own [HIS] conduct and [IS]
13 physically unable to express unwillingness to act;

14 (2) "victim" means the person alleged to have been sub-
15 jected to sexual assault in any degree or sexual abuse of a minor;

16 (3) "without consent" means that a person

17 (A) with or without resisting, is coerced by the use
18 of force against a person or property, or by the express or
19 implied threat of [IMMINENT] death, imminent physical injury, or
20 [IMMINENT] kidnapping to be inflicted on anyone; or

21 (B) is incapacitated as a result of an act of the
22 defendant.

23 * Sec. 7. AS 12.10.020 is amended by adding a new subsection to read:

24 (c) Even if the general time limitation has expired, a prosecu-
25 tion under AS 11.41.410 - 11.41.455 for an offense committed against a
26 person under the age of 16 may be commenced within one year after the
27 crime is reported to a peace officer or the person reaches the age of
28 16, whichever occurs first. This provision does not extend the period
29 of limitation by more than five years.

1 illegitimate or adopted child, or a stepchild; or

2 (4) being 16 years of age or older, the offender aids,
3 induces, causes, or encourages a person who is under 16 years of age
4 to engage in conduct described in AS 11.41.455(a)(2) - (6).

5 (b) Sexual abuse of a minor in the second degree is a class B
6 felony.

7 Sec. 11.41.438. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.

8 (a) A person commits sexual abuse of a minor in the third degree if,
9 being 16 years of age or older, the offender engages in sexual contact
10 with a person who is 13, 14, or 15 years of age and more than three
11 years younger than the offender.

12 (b) Sexual abuse of a minor in the third degree is a class C
13 felony.

14 * Sec. 3. AS 11.41.440 is repealed and reenacted to read:

15 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE FOURTH DEGREE.

16 (a) A person commits sexual abuse of a minor in the fourth degree if,
17 being under 16 years of age, the offender engages in sexual penetra-
18 tion or sexual contact with a person who is under 13 years of age and
19 more than three years younger than the offender.

20 (b) Sexual abuse of a minor in the fourth degree is a class A
21 misdemeanor.

22 * Sec. 4. AS 11.41.445(a) is amended to read:

23 (a) In a prosecution under AS 11.41.410 - 11.41.440, it is
24 not a [AN AFFIRMATIVE] defense that, at the time of the alleged
25 offense, the victim was the legal spouse of the defendant [UNLESS

26 (1) THE SPOUSES WERE LIVING APART; OR

27 (2) THE DEFENDANT CAUSED PHYSICAL INJURY TO THE VICTIM].

28 * Sec. 5. AS 11.41 is amended by adding a new section to read:

29 Sec. 11.41.460. INDECENT EXPOSURE. (a) A person commits the

1 sexual penetration with a person who is under 10 years of age or aids,
2 induces, causes, or encourages a person who is under 10 years of age
3 to engage in sexual penetration with another person; or

4 (2) being 18 years of age or older, the offender engages in
5 sexual penetration with a person who is under 13 years of age and who

6 (A) is entrusted to the offender's care by authority
7 of law; or

8 (B) is the offender's son or daughter, including an
9 illegitimate or adopted child, or a stepchild.

10 (b) Sexual abuse of a minor in the first degree is an unclassi-
11 fied felony and is punishable as provided in AS 12.55.

12 Sec. 11.41.434. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

13 (a) A person commits the crime of sexual abuse of a minor in the
14 second degree if

15 (1) being 16 years of age or older, the offender engages in
16 sexual penetration with a person who is 10, 11, or 12 years of age or
17 aids, induces, causes or encourages a person who is 10, 11, or 12
18 years of age to engage in sexual penetration with another person; or

19 (2) being 18 years of age or older, the offender engages in
20 sexual penetration with a person who is under 18 years of age but 13
21 years of age or older and who

22 (A) is entrusted to the offender's care by authority
23 of law; or

24 (B) is the offender's son or daughter, including an
25 illegitimate or adopted child, or a stepchild.

26 (b) Sexual abuse of a minor in the second degree is a class B
27 felony.

28 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.

29 (a) A person commits the crime of sexual abuse of a minor in the

Offered: 6/6/83
Referred: Rules

Original sponsors: Pettyjohn, Sturgulewski,
Halford, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
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11 * Section 1. AS 11.41.420 is repealed and reenacted to read:

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13 person commits the crime of sexual assault in the second degree if the
14 offender engages in

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16 that person; or

17 (2) sexual penetration with a person who the offender knows
18 (A) is suffering from a mental disorder or defect
19 which renders the person incapable of appraising the nature of
20 the conduct under circumstances in which a person who is capable
21 of appraising the nature of the conduct would not engage in
22 sexual penetration; or

23 (B) is incapacitated.

24 (b) Sexual assault in the second degree is a class B felony.

25 * Sec. 2. AS 11.41 is amended by adding new sections to read:

26 Sec. AS 11.41.432. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

27 (a) A person commits the crime of sexual abuse of a minor in the
28 first degree if

29 (1) being 16 years of age or older, the offender engages in

1 (b) Sexual abuse of a minor in the fourth degree is a class C
2 felony.

3 * Sec. 3. AS 11.41.440 is repealed and reenacted to read:

4 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE FIFTH DEGREE.

5 (a) A person commits sexual abuse of a minor in the fifth degree if,
6 being under 16 years of age, the offender engages in sexual penetra-
7 tion or sexual contact with a person who is under 13 years of age and
8 at least three years younger than the offender.

9 (b) Sexual abuse of a minor in the fourth degree is a class A
10 misdemeanor.

11 * Sec. 4. AS 11.41 is amended by adding a new section to read:

12 Sec. 11.41.460. INDECENT EXPOSURE. (a) A person commits the
13 crime of indecent exposure if the offender intentionally exposes the
14 offender's genitals, to another person with reckless disregard for the
15 offensive, insulting, or frightening effect the act may have on that
16 person.

17 (b) Indecent exposure before a person under 16 years of age is a
18 class A misdemeanor. Indecent exposure before a person 16 years of
19 age or older is a class B misdemeanor.

20 * Sec. 5. AS 11.41.470 is amended to read:

21 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
22 11.41.470, unless the context requires otherwise,

23 (1) "incapacitated" means [THAT A PERSON IS] temporarily
24 incapable of appraising the nature of one's own [HIS] conduct and [IS]
25 physically unable to express unwillingness to act;

26 (2) "victim" means the person alleged to have been sub-
27 jected to sexual assault in any degree or sexual abuse of a minor in
28 any degree;

29 (3) "without consent" means that a person

1 third degree if

2 (1) being 16 years of age or older, the offender engages in
3 sexual penetration with a person who is 13, 14, or 15 years of age and
4 at least four years younger than the offender, or aids, induces,
5 causes or encourages a person who is 13, 14, or 15 years of age and at
6 least four years younger than the offender to engage in sexual pene-
7 tration with another person;

8 (2) being 16 years of age or older, the offender engages in
9 sexual contact with a person who is under 13 years of age or aids,
10 induces, causes, or encourages a person under 13 years of age to
11 engage in sexual contact with another person; or

12 (3) being 16 years of age or older, the offender aids,
13 induces, causes, or encourages a person who is under 16 years of age
14 to engage in conduct described in AS 11.41.455(a)(2) - (6).

15 (b) Sexual abuse of a minor in the third degree is a class B
16 felony.

17 Sec. 11.41.438. SEXUAL ABUSE OF A MINOR IN THE FOURTH DEGREE.

18 (a) A person commits the crime of sexual abuse of a minor in the
19 fourth degree if

20 (1) being 16 years of age or older, the offender engages in
21 sexual contact with a person who is 13, 14, or 15 years of age and at
22 least four years younger than the offender; or

23 (2) being 18 years of age or older, the offender engages in
24 sexual contact with a person who is under 18 years of age but 13 years
25 of age or older and who

26 (A) is entrusted to the offender's care by authority
27 of law; or

28 (B) is the offender's son or daughter, including an
29 illegitimate or adopted child, or a stepchild.

1 serious physical injury during the commission of the offense, 10
2 years;

3 (3) if the offense is a second felony conviction, 15 years;

4 (4) if the offense is a third felony conviction, 25 years.

5 * Sec. 9. AS 18.66.900(6) is amended to read:

6 (6) "sexual assault" means a crime specified in AS 11.41.-
7 410 - 11.41.455 [11.41.450 OR AS 11.51.130(a)(4)];

8 * Sec. 10. AS 11.41.410(a)(3) and (4), AS 11.41.430, and AS 11.51.130(a)
9 (4) are repealed.

1 (A) with or without resisting, is coerced by the use
2 of force against a person or property, or by the express or
3 implied threat of [IMMINENT] death, imminent physical injury, or
4 [IMMINENT] kidnapping to be inflicted on anyone; or

5 (B) is incapacitated as a result of an act of the
6 defendant.

7 * Sec. 6. AS 11.61.110(a)(7) is amended to read:

8 (7) the offender [HE] intentionally exposes the offender's
9 [HIS GENITALS,] buttock or [,] anus [, OR FEMALE BREAST] to another
10 with reckless disregard for the offensive or insulting effect the act
11 may have on that person.

12 * Sec. 7. AS 12.10.020 is amended by adding a new subsection to read:

13 (c) Even if the general time limitation has expired, a prosecu-
14 tion under AS 11.41.410 - 11.41.455 for an offense committed against a
15 person under the age of 16 may be commenced within one year after the
16 crime is reported to a peace officer or the person reaches the age of
17 16, whichever occurs first. This provision does not extend the period
18 of limitation by more than five years.

19 * Sec. 8. AS 12.55.125(i) is amended to read:

20 (i) A defendant convicted of sexual assault in the first degree
21 or sexual abuse of a minor in the first degree may be sentenced to a
22 definite term of imprisonment of not more than 30 years, and shall be
23 sentenced to the following presumptive terms, subject to adjustment as
24 provided in AS 12.55.155 - 12.55.175:

25 (1) if the offense is a first felony conviction and does
26 not involve circumstances described in (2) of this subsection, eight
27 years;

28 (2) if the offense is a first felony conviction, and the
29 defendant possessed a firearm, used a dangerous instrument, or caused

1 sexual penetration with a person who is under 10 years of age or aids,
2 induces, causes, or encourages a person who is under 10 years of age
3 to engage in sexual penetration with another person; or

4 (2) being 18 years of age or older, the offender engages in
5 sexual penetration with a person who is under 13 years of age and who

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26 not involve circumstances described in (2) of this subsection, eight
27 years;

28 (2) if the offense is a first felony conviction, and the
29 defendant possessed a firearm, used a dangerous instrument, or caused

COMMITTEE REPORT

SENATE

FURTHER:

5/11/83

Date: 6/11/83

Hr. President:

The Committee on FINANCE has had SB 78

Making the Public Employment Relations Act applicable to employees of school districts; eff. date.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back with ^{mixed} ~~out~~ recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

V. Tenbrunsel
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Bob Mulcahy No new Pass unless Am.
[Signature] No Pass
John Fair Do Not Pass
John Smith Do Not Pass

[Signature]
CHAIRMAN

Introduced: 1/26/83
Referred: Health, Education and
Social Services and
Finance

BY KERTTULA, V. FISCHER, JOSEPHSON,
KELLY, RODEY, RAY AND BENNETT

1 IN THE SENATE

2 SENATE BILL NO. 78

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making the Public Employment Relations Act
7 applicable to employees of school districts; and
8 providing for an effective date."

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

10 * Section 1. AS 23.40.200(b) is amended to read:

11 (b) The class in (a)(1) of this section is composed of police
12 and fire protection employees, jail, prison and other correctional
13 institution employees, certificated employees of school districts, and
14 hospital employees. Employees in this class may not engage in
15 strikes. Upon a showing by a public employer or the labor relations
16 agency that employees in this class are engaging or about to engage in
17 a strike, an injunction, restraining order, or other order that
18 [WHICH] may be appropriate shall be granted by the superior court in
19 the judicial district in which the strike is occurring or is about to
20 occur. If an impasse or deadlock is reached in collective bargaining
21 between the public employer and employees in this class, and mediation
22 has been utilized without resolving the deadlock, the parties shall
23 submit to arbitration to be carried out under AS 09.43.030.

24 * Sec. 2. AS 23.40.200(c) is amended to read:

25 (c) The class in (a)(2) of this section is composed of public
26 utility, snow removal, sanitation and [PUBLIC SCHOOL AND OTHER] educa-
27 tional institution employees except certificated employees of school
28 districts. Employees in this class may engage in a strike after
29 mediation, subject to the voting requirement of (d) of this section,

1 for a limited time. The limit is determined by the interests of the
2 health, safety or welfare of the public. The public employer or the
3 labor relations agency may apply to the superior court in the judicial
4 district in which the strike is occurring for an order enjoining the
5 strike. A strike may not be enjoined unless it can be shown that it
6 has begun to threaten the health, safety or welfare of the public. A
7 court, in deciding whether or not to enjoin the strike, shall consider
8 the total equities in the particular class. "Total equities" includes
9 not only the impact of a strike on the public but also the extent to
10 which employee organizations and public employers have met their
11 statutory obligations. If an impasse or deadlock still exists after
12 the issuance of an injunction, the parties shall submit to arbitration
13 to be carried out under AS 09.43.030.

14 * Sec. 3. AS 23.40 is amended by adding a new section to read:

15 Sec. 23.40.235. APPLICATION OF PUBLIC EMPLOYMENT RELATIONS ACT
16 TO SCHOOL BOARDS AND MUNICIPALITIES. (a) A school board may not
17 reject having the provisions of AS 23.40.070 - 23.40.260 apply to its
18 relations with its certificated employees.

19 (b) The provisions of sec. 4, ch. 113, SLA 1972, do not apply to
20 allow a municipality to reject having the provisions of AS 23.40.070 -
21 23.40.260 apply to its relation with its certificated school em-
22 ployees.

23 * Sec. 4. AS 23.40.250(5) is amended to read:

24 (5) "public employee" means any employee of a public em-
25 ployer, whether or not in the classified service of the public employ-
26 er, except elected or appointed officials [OR TEACHERS OR NONCERTIFI-
27 CATED EMPLOYEES OF SCHOOL DISTRICTS];

28 * Sec. 5. AS 23.40.250(6) is amended to read:

29 (6) "public employer" means the state or a political

1 subdivision of the state, including without limitation, a [TOWN,
2 city, borough, school district, board of regents, public and quasi-
3 public corporation, housing authority or other authority established
4 by law, and a person designated by the public employer to act in its
5 interest in dealing with public employees;

6 * Sec. 6. AS 23.40.250 is amended by adding a new paragraph to read:

7 (8) "school district" includes a regional educational
8 attendance area.

9 * Sec. 7. AS 14.20.550 - 14.20.610 are repealed.

10 * Sec. 8. Nothing in this Act terminates or modifies a collective
11 bargaining unit, recognition of exclusive bargaining representative, or
12 collective bargaining agreement if the unit, recognition, or agreement is
13 in effect on the effective date of this Act.

14 * Sec. 9. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

R/O
6/11/83

Revision Date: November 30, 1983

REQUEST

Bill/Resolution No.: SB 78
Title: "...Public Employment Relations"
Sponsor: Senator Kertula
Requestor: Senate HSS Committee
Date of Request: February 3, 1983

FISCAL DETAIL

Agency Affected: Labor
Program Category Affected: Worker Protection
BRIJ, Program or Subprogram(s) Affected: Labor Standards & Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not Applicable

ANALYSIS: Attach a separate page for analysis

Prepared By: Robert J. Bacolas, Sr. Phone: 465-4870
 Division: Labor Standards and Safety Date: _____
 Approved by Commissioner: Jim Robinson Date: 12/13/83
 Agency: Labor

LEG:A:14
Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Rec'd 2/20/84
R/O 10/11/83

Revision Date: January 24, 1984

REQUEST

Bill/Resolution No.: SB 78
Title: "An Act making the Public Employment Relations Act..."
Sponsor: Senator Kertulla
Requestor: Senate HESS Committee
Date of Request: February 3, 1983

FISCAL DETAIL

Agency Affected: Labor
Program Category Affected: Public Protection
BRU, Program or Subprogram(s) Affected: Labor Standards and Safety BRU
Wage and Hour Component

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		280.0	296.8	314.6	333.5	353.5
200 TRAVEL		58.2	61.7	65.4	69.3	73.5
300 CONTRACTUAL		124.5	132.0	139.9	148.3	157.2
400 SUPPLIES		4.5	4.8	5.1	5.4	5.7
500 EQUIPMENT		11.2				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		478.4	495.3	525.0	556.5	589.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		478.4	495.3	525.0	556.5	589.9
FEDERAL FUNDS						
OTHER						
TOTAL		478.4	495.3	525.0	556.5	589.9

POSITIONS:

FULL-TIME		7	7	7	7	7
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: Robert J. Bacolas, Sr. Phone: 465-4870
Division: Labor Standards and Safety Date: _____

Approved by Commissioner: Jim Robison Date: 2/14/84
Agency: Labor

LEG:A:33

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: SB 78

TITLE: "An Act making the Public Employment Relations Act..."

AGENCY AFFECTED: Department of Labor

Page 2

Detail Analysis for Senate Bill 78

Five investigators are required to conduct the investigations, attend the elections, and hold informal hearings. Three will be located in Anchorage, which will be the control office and handle the south central and western portions of the State, one in Juneau for the southeast, and one in Fairbanks for the central and northern areas. Two clerical staff, situated in Anchorage, will provide technical support for the investigators.

In addition to the costs associated with the five Wage and Hour Investigators and two clerical support positions are costs to contract for a hearing officer on 26 occasions (\$20,700) and court reporting services including transcripts (\$11,300), plus priority and legal costs (\$7,000). A total of \$6,700 has been included in travel for the hearing officer's transportation and per diem (10 trips of two days each - transportation average \$490, per diem average \$180).

Of these costs, only the equipment of \$11,200 is a one-time expense.

Assumptions:

1. An inflation rate of 6% per annum (FY '86 through FY '89 only).
2. An effective date of July 1, 1984.
3. Contracts for 26 school districts will come up for negotiations each year.
4. Fifty percent of the school districts (equates to approximately 26) will file unfair labor practice charges requiring hearing before the labor relations board. (Average hearing lasts six weeks).

LEG:A:33

1	Position Title Clerk IV				Range/Step 9B	Barg. Unit GGU	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
2	Type of Position PFT	Staff Months 12	RP Number SB 78	PCN Number New	BRU Priority	Location Anchorage	Election District	LEG.		
3	CONTINUATION LEVEL		ADDITION		JUSTIFICATION					
4	Type of Expenditure		Amount			<p>This position will provide lead clerical support for five Wage and Hour Investigators.</p> <p>Personal services calculations are based on the current salary schedule adjusted 5% for inflation.</p> <p>Contractual services are comprised of telephone charges, word processing equipment rent, management services support of \$2,570, \$3,600 for space rent, etc.</p> <p>One-time equipment costs are for a desk, file, recorder and a bookcase.</p>				
	1	2	3							
	PERSONAL SERVICES									
5	Salary	21,420								
6	Benefits	3,577								
7	Supplemental Benefits	1,313								
8	Fixed Benefits	2,724								
9	TOTAL PERSONAL SERVICES	01	29,034							
10	Travel	02	-0-							
11	Contractual	03	13,170							
12	Commodities	04	1,000							
13	Equipment	05	1,600							
14	Other									
15	TOTAL COST		44,804							
	RECEIPT CODE	FUNDING SOURCE								
16		Federal Receipts	1002							
17		G.F. Match	1003							
18	100	General Funds	1004	44,804						
19		I-A Receipts	1005							
20		Program Receipts	1028							
21		Other								
For M&B Use Only 4A Key Number _____										

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 85

Page 1 of 1
Revised Date

LEG:F:3

1	Position Title Clerk Typist II				Range/Step 7B	Barg. Unit GGU	Form 12 Page/Line	GOV.	APPROV.	DISAPP.																												
2	Type of Position PFT	Staff Months 12	RP Number SB 78	PCN Number New	BRU Priority	Location Anchorage	Election District	LEG.																														
3	CONTINUATION LEVEL				ADDITION		X																															
4	Type of Expenditure				Amount																																	
	1				2		3																															
	PERSONAL SERVICES																																					
5	Salary		19,026																																			
6	Benefits		3,177																																			
7	Supplemental Benefits		1,166																																			
8	Fixed Benefits		2,724																																			
9	TOTAL PERSONAL SERVICES		01		26,093																																	
10	Travel		02		-0-																																	
11	Contractual		03		13,731																																	
12	Commodities		04		1,000																																	
13	Equipment		05		1,600																																	
14	Other																																					
15	TOTAL COST				42,424																																	
<table border="1"> <thead> <tr> <th>RECEIPT CODE</th> <th>FUNDING SOURCE</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>16</td> <td>Federal Receipts</td> <td>1002</td> <td></td> </tr> <tr> <td>17</td> <td>G.F. Match</td> <td>1003</td> <td></td> </tr> <tr> <td>18</td> <td>100 General Funds</td> <td>1004</td> <td>42,424</td> </tr> <tr> <td>19</td> <td>I-A Receipts</td> <td>1005</td> <td></td> </tr> <tr> <td>20</td> <td>Program Receipts</td> <td>1028</td> <td></td> </tr> <tr> <td>21</td> <td>Other</td> <td></td> <td></td> </tr> </tbody> </table>											RECEIPT CODE	FUNDING SOURCE			16	Federal Receipts	1002		17	G.F. Match	1003		18	100 General Funds	1004	42,424	19	I-A Receipts	1005		20	Program Receipts	1028		21	Other		
RECEIPT CODE	FUNDING SOURCE																																					
16	Federal Receipts	1002																																				
17	G.F. Match	1003																																				
18	100 General Funds	1004	42,424																																			
19	I-A Receipts	1005																																				
20	Program Receipts	1028																																				
21	Other																																					
<p>For M&B Use Only 4A Key Number _____</p>																																						

JUSTIFICATION

This position will provide clerical support for five Wage and Hour investigators.

Personal services calculations are based on the current salary schedule adjusted 5% for inflation.

Contractual services are comprised of telephone charges, word processing equipment rent, management services support of \$2,570, space rent of \$3,600, etc.

One-time equipment costs are for a desk, file, transcriber, partitions, and a bookcase.

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 85

Page 1 of 1
Revised Date

LEG:F:4

1 Position Title Wage and Hour Investigator I				Range/Step 16A	Barg. Unit GGU	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
2 Type of Position PFT		Staff Months 12	RP Number SB 78	OCN Number New	BRU Priority	Location Fairbanks	Election District	LEG.	
3 CONTINUATION LEVEL				ADDITION		X			
4 Type of Expenditure				Amount					
1				2		3			
PERSONAL SERVICES									
5 Salary				37,359					
6 Benefits				6,239					
7 Supplemental Benefits				2,290					
8 Fixed Benefits				2,724					
9 TOTAL PERSONAL SERVICES				01		48,612			
10 Travel				02		10,560			
11 Contractual				03		10,083			
12 Commodities				04		500			
13 Equipment				05		1,600			
14 Other									
15 TOTAL COST						71,355			
RECEIPT CODE		FUNDING SOURCE							
16		Federal Receipts		1002					
17		G.F. Match		1003					
18 100		General Funds		1004		71,355			
19		I-A Receipts		1005					
20		Program Receipts		1028					
21		Other							
For M&B Use Only									
4A Key Number				-----					

JUSTIFICATION

This position will conduct investigations and informal hearing of unfair labor practices complaints regarding school districts filed with this agency. The investigation will travel extensively throughout the state performing these investigations and hearings.

Personal services calculations are based on current salary schedules plus 5% inflation.

Travel funds allow for twelve four-day trips costing an average of \$520 transportatoin and 360 per diem (\$90 X 4 days) per trip.

Contractual services are comprised of telephone charges, equipment rent, management services costs of \$4,483, space rent of 3,600, etc.

Equipment costs are one-time purchases for a desk, chair, partitions, file, etc.

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 85

Page 1 of 1
Revised Date

LEG:F:5

1	Position title Wage and Hour Investigator I				Range/Step 16A	Barg. Unit GGU	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
2	Type of Position PFT	Staff Months 12	RP Number SB 78	PCN Number New	BRU Priority	Location Anchorage	Election District	LEG.		
3	CONTINUATION LEVEL		ADDITION		JUSTIFICATION					
4	Type of Expenditure		Amount		<p>This position will conduct investigations and informal hearings of unfair labor practices complaints regarding school districts filed with this agency. The investigation will travel extensively throughout the state performing these investigations and hearings.</p> <p>Personal services calculations are based on current salary schedules plus 5% inflation.</p> <p>Travel funds allow for twelve four-day trips costing an average of \$500 transportation and 360 per diem (\$90 X 4 days) per trip.</p> <p>Contractual services are comprised of telephone charges, equipment rent, management services costs of \$3,890.</p> <p>Equipment costs are one-time purchases for a desk, chair, partition file, etc.</p>					
	1	2	3							
	PERSONAL SERVICES									
5	Salary	32,420								
6	Benefits	5,414								
7	Supplemental Benefits	1,987								
8	Fixed Benefits	2,724								
9	TOTAL PERSONAL SERVICES	01	42,545							
10	Travel	02	10,296							
11	Contractual	03	9,490							
12	Commodities	04	500							
13	Equipment	05	1,600							
14	Other									
15	TOTAL COST		64,431							
	RECEIPT CODE	FUNDING SOURCE								
16		Federal Receipts	1002							
17		G.F. Match	1003							
18	100	General Funds	1004	64,431						
19		I-A Receipts	1005							
20		Program Receipts	1028							
21		Other								
For M&B Use Only 4A Key Number _____										

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 85

Page 1 of 1
Revised Date

LEG:F:6

1	Position Title Wage and Hour Investigator I				Range/Step 16A	Barg. Unit GGU	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
2	Type of Position PFT	Staff Months 12	RP Number SB 78	PCN Number New	BRU Priority	Location Anchorage	Election District	LEG.		
3	CONTINUATION LEVEL				ADDITION		X			
4	Type of Expenditure				Amount					
	1		2		3					
	PERSONAL SERVICES									
5	Salary		32,420							
6	Benefits		5,414							
7	Supplemental Benefits		1,987							
8	Fixed Benefits		2,724							
9	TOTAL PERSONAL SERVICES		01		42,545					
10	Travel		02		10,296					
11	Contractual		03		9,490					
12	Commodities		04		500					
13	Equipment		05		1,600					
14	Other									
15	TOTAL COST				64,431					
	RECEIPT CODE	FUNDING SOURCE								
16		Federal Receipts	1002							
17		G.F. Match	1003							
18	100	General Funds	1004	64,431						
19		I-A Receipts	1005							
20		Program Receipts	1028							
21		Other								
For M&B Use Only 4A Key Number _____										

JUSTIFICATION

This position will conduct investigations and informal hearings of unfair labor practices complaints regarding school districts filed with this agency. The investigation will travel extensively throughout the state performing these investigations and hearings.

Personal services calculations are based on current salary schedules plus 5% inflation.

Travel funds allow for twelve four-day trips costing an average of \$500 transportation and 360 per diem (\$90 X 4 days) per trip.

Contractual services are comprised of telephone charges, equipment rent, management services costs of \$3,890, space rent of \$3,600, etc.

Equipment costs are one-time purchases for a desk, chair, partitions, file, etc.

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 85

Page 1 of 1
Revised Date

LEG:F:7

1	Position Title Wage and Hour Investigator I				Range/Step 16A	Barg. Unit GGU	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
2	Type of Position PFT	Staff Months 12	RP Number SB 78	PCN Number New	BRU Priority	Location Juneau	Election District	LEG.		
3	CONTINUATION LEVEL		ADDITION		X JUSTIFICATION					
4	Type of Expenditure		Amount			<p>This position will conduct investigations and informal hearings of unfair labor practices complaints regarding school districts filed with this agency. The investigation will travel extensively throughout the state performing these investigations and hearings.</p> <p>Personal services calculations are based on current salary schedules plus 5% inflation.</p> <p>Travel funds allow for twelve four-day trips costing an average of \$475 transportation and \$360 per diem (\$90 X 4 days) per trip.</p> <p>Contractual services are comprised of telephone charges, equipment rent, management services costs of \$3,890, space rent of \$3,600, etc.</p> <p>Equipment costs are one-time purchases for a desk, chair, partitions, file, etc.</p>				
	1	2	3							
	PERSONAL SERVICES									
5	Salary	32,420								
6	Benefits	5,414								
7	Supplemental Benefits	1,987								
8	Fixed Benefits	2,724								
9	TOTAL PERSONAL SERVICES	01	42,545							
10	Travel	02	10,032							
11	Contractual	03	9,490							
12	Commodities	04	500							
13	Equipment	05	1,600							
14	Other									
15	TOTAL COST		64,167							
	RECEIPT CODE	FUNDING SOURCE								
16		Federal Receipts	1002							
17		G.F. Match	1003							
18	100	General Funds	1004	64,167						
19		I-A Receipts	1005							
20		Program Receipts	1028							
21		Other								
For M&B Use Only 4A Key Number _____										

13 REQUEST FOR NEW POSITION

AGENCY Labor
 PROGRAM Worker Protection
 BRU Labor Standards and Safety
 COMPONENT Wage and Hour

FY 85

Page 1 of 1
 Revised Date

LEG:F:8

1	Position Title Wage and Hour Investigator II				Range/Step 18A	Barg. Unit GGJ	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
2	Type of Position PFT	Staff Months 12	RP Number SB 78	PCN Number New	BRJ Priority	Location Anchorage	Election District	LEG.		
3	CONTINUATION LEVEL		ADDITION		JUSTIFICATION					
4	Type of Expenditure		Amount			<p>This supervisory position will conduct investigations and informal hearings of unfair labor parties complaints filed with this agency. The investigator will travel extensively throughout the state performing these investigations and hearings.</p> <p>Personal services calculations are based on current salary schedules plus 5% inflation.</p> <p>Travel funds allow for twelve four-day trips costing an average of \$498 transportation and \$360 per diem (\$90 X 4 days) per trip.</p> <p>Contractual services are comprised of telephone charges, equipment rent, management services costs of \$4,483, space rent of \$3,600, etc.</p> <p>One-time equipment charges include a desk, chair, file, partitions, etc.</p>				
	1	2	3							
	PERSONAL SERVICES									
5	Salary		37,359							
6	Benefits		6,239							
7	Supplemental Benefits		2,290							
8	Fixed Benefits		2,724							
9	TOTAL PERSONAL SERVICES	01		48,612						
10	Travel	02		10,296						
11	Contractual	03		10,083						
12	Commodities	04		500						
13	Equipment	05		1,600						
14	Other									
15	TOTAL COST			71,091						
	RECEIPT CODE	FUNDING SOURCE								
16		Federal Receipts	1002							
17		G.F. Match	1003							
18	100	General Funds	1004	71,091						
19		I-A Receipts	1005							
20		Program Receipts	1028							
21		Other								
For M&B Use Only										
4A Key Number _____										

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 85

Page 1 of 1

Revised Date

LEG:F:9

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Rec'd 2/20/84
R/O 6/11/83

Revision Date: January 24, 1984

REQUEST

Bill/Resolution No.: CS SB 78(HESS)
Title: "...Public Employment Relations..."
Sponsor: Senator Kerttula
Requestor: Senate HESS Committee
Date of Request: February 3, 1983

FISCAL DETAIL

Agency Affected: Labor
Program Category Affected: Public Protection
BRU, Program or Subprogram(s) Affected: Labor Standards and Safety BRU, Wage and Hour Component

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ^{AB} Robert J. Bacolas, Sr. Phone: 465-4870
 Division: Labor Standards and Safety Date: _____
 Approved by Commissioner: ^{AB} Jim Robinson Date: 2/14/84
 Agency: Labor

LEG:A:32
 Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83