

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 786

STATE OF ALASKA
1992 LEGISLATIVE SESSION REPORTED OUT OF

BILL NO.

Bill Version: CSHB 438 (FIN)

(H) Publish Date: 4-29-92

SFC 5-11-92

Revision Date: 4/28/92

Department Affected: Health and Social Services

Title: An Act relating to Medicaid eligibility of persons who are eligible to be institutionalized ...

BRU: Medical Assistance Administration

Component: Office of Hearing and Appeals

Sponsor: Representative Ellis

Requestor: House Finance

COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	84.0	89.0	94.3
TRAVEL	0	0	0	2.1	2.3	2.4
CONTRACTUAL	0	0	0	7.7	8.2	8.7
SUPPLIES	0	0	0	0.7	0.8	0.8
EQUIPMENT	0	0	0	7.3	0.6	0.7
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	101.8	100.9	106.9

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING (Thousands of Dollars)

GENERAL FUNDS	0	0	0	50.9	50.5	53.5
FEDERAL FUNDS	0	0	0	50.9	50.4	53.4
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	101.8	100.9	106.9

POSITIONS:

FULL-TIME	0	0	0	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY:	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.) Includes estimated 6 percent annual inflation. There is a one-time cost of \$7.1 in FY 96 (3.6 GF). The cost of operating waivers are currently considered in legislative budget documents. The waiver costs shown in the attached budget amendment summary page would have to be added to this fiscal note if dropped from the legislative budget. See attached analysis for additional information.

Prepared by: /Co-Chair Eileen MacLean *Eileen MacLean* Phone: 465-4833
Co-Chair Mike Navarre *Mike Navarre* Phone: 465-3779
 Division: House Finance Committee Date: 4/28/92

Approved by Commissioner: _____ Date: _____

Agency: _____ Date: _____

Distribution (by Preparer: Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies))

no.5
4-29-92

NOTES TO FISCAL NOTE FOR HCS HB 432 (FIN)

HCS HB 438 (Fin) directs the Department of Health and Social Services to seek Medicaid home and community-based waivers and to implement the TEFRA option 2 years after the waiver for children becomes effective. Both the waiver and the option would extend Medicaid coverage to some people not currently eligible for Medicaid.

The cost of seeking and operating Medicaid waivers is not included in this fiscal note. HB 504 currently includes funding for the Division of Medicaid Assistance to seek waivers under the listings of Medical Assistance - Medicaid State Programs, and Medical Assistance Administration - Certification and Licensing and Claims Processing. If funding for waivers is not included in the operating budget, the cost of implementing HCS HB 438 (Fin) will be substantially greater than estimated by this fiscal note. The attached budget amendment summary page shows the additional funding required in FY 93 to seek waivers. Table 1 shows the cost of services under waivers for children and the TEFRA option.

Medical Assistance -- Medicaid Non-Facility, PFD Hold Harmless

We assume that all individuals eligible for the TEFRA option will be receive waiver services except that, under the TEFRA option, we assume an additional growth factor in TEFRA recipients of 2 percent per year due to contested level of care determinations lost on appeal. While it is not the intention of the Division to lower the criteria for eligibility to institutional care, it is probable that some appeals will be lost. The experience of other states with appeals varies widely; the cost of the TEFRA option could be greater depending on Alaska's actual experiences with appeals.

The resulting difference in the cost of services with a TEFRA option is in the TEFRA subtotal of Table 1. Medicaid Non-Facility component is estimated to be 97 percent of this amount. The Permanent Fund Dividend Hold Harmless component is assumed to account for 3 percent of the cost of services.

Medical Assistance Administration -- Office of Hearings and Appeals

The Division estimates that one additional hearing officer will be required beginning in FY 96, to handle the increase in hearings and appeals associated with the TEFRA option.

Additional background information on this fiscal note is available upon request from the Division of Medical Assistance.

COMMITTEE COPY

COMMITTEE COPY

	Medical State Programs					Claims Processing				Certification and Licensing						Program Totals		
	OAC	DMIID	OTHER	TOTAL	SGF	FED	OTHER	TOTAL	SGF	FED	TOTAL	SGF	FED	TOTAL	SGF	FED		
100 PERSONAL SERVICES																		
% of Year	100%	100%				50%				75%	25%	25%						
	04.0	02.7		127.5	03.8	03.0	27.0	27.0	13.8	13.8	47.1	13.8	10.5	71.4	35.7	35.7		
		
200 TRAVEL																		
In-state, @ \$100 per trip	2.4	2.4		4.0	2.4	2.4	1.0	1.8	0.8	0.8	2.4	0.8	0.8	4.0	2.0	2.0		
Out-of-state, @ \$2,000 per trip	2.0	7.0		4.0	2.0	2.0	2.0	2.0	1.0	1.0	2.0	0.0	0.0	2.0	1.0	1.0		
Winter Development Conference	10.0	10.0		20.0	10.0	10.0												
MMIS -- Training Costs							14.0	14.0	3.5	10.5								
MMIS -- Acceptance Testing							10.0	10.0	2.5	7.5								
Total	14.4	14.4		20.0	14.4	14.4	3.0	24.0	27.0	7.8	18.8	4.4	0.8	0.8	3.0	3.0		
		
300 CONTRACTUAL																		
Communications	1.0	1.0		3.0	1.0	1.0	0.0	0.9	0.5	0.4	2.8	0.7	0.5	4.0	2.0	2.0		
Printing and Advertising	0.1	0.1		0.2	0.1	0.1	0.1	0.1	0.0	0.1	0.1	0.0	0.0	0.1	0.1	0.1		
Repairs and Maintenance	0.1	0.1		0.2	0.1	0.1	0.1	0.1	0.1	0.0	0.1	0.0	0.0	0.1	0.1	0.1		
Office Space Rental	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
Equipment Rental	0.3	0.3		0.0	0.3	0.3	0.2	0.2	0.1	0.1	0.2	0.1	0.1	0.4	0.2	0.2		
MMIS -- New Categories of Service							195.0	105.0	48.8	148.3								
MMIS -- Change or Add Edits							21.0	21.0	5.3	15.8								
MMIS -- New Reports							57.2	57.2	14.3	42.9								
Transition Funding			2000	2000	2000	0.0												
Other	2.3	2.1		4.0	2.3	2.3	0.2	0.2	0.1	0.1	0.2	0.1	0.1	0.4	0.2	0.2		
Total	4.6	4.0	2000	2092	204.8	4.0	1.3	273.2	274.5	69.0	205.5	3.4	0.9	0.7	5.0	2.5		
		
400 SUPPLIES																		
	0.0	0.0		1.2	0.0	0.0	0.3	0.3	0.2	0.2	0.5	0.2	0.2	0.9	0.4	0.5		
		
500 EQUIPMENT																		
Micro computer, monitor, NIC	0.0	3.5		3.5	1.0	1.0	3.5	3.5	1.8	1.8	3.5	3.5	3.5	10.5	5.3	5.3		
Software	0.5	1.0		2.1	1.1	1.1	1.0	1.0	0.8	0.8	1.8	1.8	1.8	4.8	2.4	2.4		
Desk and Chair	0.0	0.0		0.0	0.5	0.5	1.0	1.0	0.5	0.5	1.0	1.0	1.0	3.0	1.5	1.5		
Total	0.5	0.0		0.5	3.3	3.3	0.1	0.1	3.1	3.1	0.1	0.1	0.1	18.3	9.2	9.2		
		
TOTAL	04.0	00.3	2000	3732	200.8	80.0	38.9	297.2	330.1	93.8	242.3	61.5	21.8	18.3	101.6	50.8		
		

Position Summary	Title	Range	Start Date
Medical State Programs			
OAC	Health Program Spec. II	100	7/1/02
DMIID	Health Program Spec. II	10A	7/1/02
Claims Processing	Health Program Spec. I	17A	1/1/00
Certification and Licensing			
	Health Program Spec. I	17A	4/1/00
	Accounting Technician I	12A	4/1/00
	Health Program Spec. II	10A	10/1/02

C5 ADDITIONAL EXPLANATION FORM

AGENCY Health & Social Services
 BRU Medical Assistance Administration
 COMPONENT Claims Processing 243

FY 93

Page 4 of 4
 Revised Date: 2/24/92

TABLE 1
 ESTIMATED COST OF SERVICE FOR CHILDREN UNDER HCS HB438 (FIN)
 ADJUSTED FOR INFLATION
 (ADMINISTRATIVE COST NOT INCLUDED)
 FY 93 - FY 98

Inflation Factor @ 6%	1.00	1.06	1.12	1.19	1.26	1.34	1.00	1.06	1.12	1.19	1.26	1.34
CHILDREN'S WAIVERS	TOTAL COSTS						STATE GENERAL FUNDS					
	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
No. of Children (at end of year)	0	52	96	108	122	137						
Medicaid Facility												
Institutional Care Offset	0	(450,283)	(1,358,468)	(1,945,914)	(2,320,503)	(2,767,199)	0	(231,896)	(699,611)	(1,002,146)	(1,195,059)	(1,425,108)
Medicaid Nonfacility												
Home & Community-Based Svcs Cost	0	1,008,646	1,043,009	4,358,904	5,197,993	6,198,607	0	519,453	1,567,149	2,244,836	2,676,967	3,192,283
Other Program Cost	0	578,297	1,744,676	2,499,131	2,980,214	3,553,905	0	297,823	898,508	1,287,052	1,534,810	1,830,261
Other Medicaid Offset	0	(18,713)	(56,457)	(80,870)	(96,438)	(115,002)	0	(9,637)	(29,075)	(41,648)	(49,666)	(59,226)
Subtotal	0	1,568,230	4,731,228	6,777,165	8,081,769	9,637,509	0	807,638	2,436,583	3,490,240	4,162,111	4,963,317
TOTAL MEDICAID	0	1,117,947	3,372,760	4,831,251	5,761,266	6,870,310	0	575,743	1,736,971	2,488,094	2,967,052	3,538,210
DPA	0	0	0	0	0	0	0	0	0	0	0	0
DMHDD	0	(213,607)	(644,434)	(923,109)	(1,100,807)	(1,312,713)	0	(213,607)	(644,434)	(923,109)	(1,100,807)	(1,312,713)
TOTAL	0	904,340	2,728,325	3,908,142	4,660,459	5,557,597	0	362,136	1,092,537	1,564,985	1,866,245	2,225,497
=====												
TEFRA OPTION	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
No. of Children on Option	0	65	73	67	77	88						
Percent of Year TEFRA Offered	0	0	0	1	1	1						
Medicaid Nonfacility												
Home Based Services @\$7649	0	0	0	610,375	743,565	900,776	0	0	0	314,343	382,936	460,079
Other Medicaid Services @41966*50/65	0	0	0	2,576,005	3,138,112	3,801,598	0	0	0	1,326,642	1,616,128	1,900,000
Medicaid Subtotal	0	0	0	3,186,380	3,881,677	4,702,374	0	0	0	1,640,986	1,999,063	2,421,723
Duplicated Waiver Expenditures												
Home Based Services (7649/waiver\$)	0	0	0	592,155	706,145	842,078	0	0	0	304,960	363,665	433,670
Other Medicaid Services	0	0	0	2,499,131	2,980,214	3,553,905	0	0	0	1,287,052	1,534,810	1,830,261
Waiver Subtotal	0	0	0	3,091,286	3,686,359	4,395,983	0	0	0	1,592,012	1,898,475	2,263,931
Spending on TEFRA Option Less Waiver Expenditures												
Home Based Services	0	0	0	18,220	37,420	58,698	0	0	0	9,383	19,271	30,229
Other Medicaid Services	0	0	0	76,874	157,898	247,694	0	0	0	39,590	81,318	127,562
TEFRA Subtotal	0	0	0	95,094	195,318	306,391	0	0	0	48,973	100,589	157,791
=====												
TOTAL SERVICE COST -- WAIVER AND OPTION	0	904,340	2,728,325	4,003,236	4,855,777	5,863,988	0	362,136	1,092,537	1,613,958	1,966,834	2,383,288

COMMITTEE COPY

STATE OF ALASKA
1992 LEGISLATIVE SESSION REPORTED OUT OF
SFC 5-11-92

FISCAL NOTE No. 4
 Bill Version: CSHB 438 (FIN)
 (H) Publish Date: 4-29-92
 Department Affected: Health and Social Services
 BRU: Medical Assistance
 Component: Medicaid Non-Facility

Revision Date: 4/28/92
 Title: An Act relating to Medicaid eligibility of persons who are eligible to be institutionalized ...
 Sponsor: Representative Ellis
 Requestor: House Finance

COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	92.1	189.1	297.6
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	92.1	189.1	297.6
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUNDS	0	0	0	46.1	94.6	148.8
FEDERAL FUNDS	0	0	0	46.0	94.5	148.8
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	92.1	189.1	297.6

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY:	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.) includes estimated 6 percent annual inflation. The cost of operating waivers are currently considered in legislative budget documents. The waiver costs shown in the attached budget amendment summary page would have to be added to this fiscal note if dropped from the legislative budget. See attached analysis for additional information.

Prepared by: Co-Chair Eileen MacLean Co-Chair Mike Navarr *[Signature]* Phone: 465-4833
465-3779
 Division: House Finance Committee Date: 4/28/92

Approved by Commissioner: _____ Date: _____
 Agency: _____

NOTES TO FISCAL NOTE FOR HCS HB 438 (FIN)

HCS HB 438 (Fin) directs the Department of Health and Social Services to seek Medicaid home and community-based waivers and to implement the TEFRA option 2 years after the waiver for children becomes effective. Both the waiver and the option would extend Medicaid coverage to some people not currently eligible for Medicaid.

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Medical Assistance -- Medicaid Non-Facility, PFD Hold Harmless

We assume that all individuals eligible for the TEFRA option will be receive waiver services except that, under the TEFRA option, we assume an additional growth factor in TEFRA recipients of 2 percent per year due to contested level of care determinations lost on appeal. While it is not the intention of the Division to lower the criteria for eligibility to institutional care, it is probable that some appeals will be lost. The experience of other states with appeals varies widely; the cost of the TEFRA option could be greater depending on Alaska's actual experiences with appeals.

The resulting difference in the cost of services with a TEFRA option is in the TEFRA subtotal of Table 1. Medicaid Non-Facility component is estimated to be 97 percent of this amount. The Permanent Fund Dividend Hold Harmless component is assumed to account for 3 percent of the cost of services.

Medical Assistance Administration -- Office of Hearings and Appeals

The Division estimates that one additional hearing officer will be required beginning in FY 96, to handle the increase in hearings and appeals associated with the TEFRA option.

Additional background information on this fiscal note is available upon request from the Division of Medical Assistance.

	Medical State Programs					Claims Processing				Certification and Licensing					Program Totals					
	OAC DMHDD	OTHER	TOTAL	SGF	FED	OTHER	TOTAL	SGF	FED	TOTAL	SGF	FED	TOTAL	SGF	FED					
100 PERSONAL SERVICES	HPSII 100%	HPSII 100%				HPSI 50%				HPSII 75%	HPSI 25%	AT 25%								
% of Year	04.0	02.7	127.5	03.0	03.0	27.0	27.0	13.8	13.8	47.1	13.8	10.5	71.4	35.7	35.7	220.4	113.2	113.2		
		
200 TRAVEL																				
In-state, @ \$1000 per trip	2.4	2.4	4.0	2.4	2.4	1.0	1.0	0.8	0.8	2.4	0.8	0.8	4.0	2.0	2.0	10.4	5.2	5.2		
Out-of-state, @ \$2,000 per trip	2.0	2.0	4.0	2.0	2.0	2.0	2.0	1.0	1.0	2.0	0.0	0.0	2.0	1.0	1.0	8.0	4.0	4.0		
Wolver Development Conference	10.0	10.0	20.0	10.0	10.0											20.0	10.0	10.0		
MMIS--Training Costs							14.0	14.0	3.5	10.5						14.0	3.5	10.5		
MMIS--Acceptance Testing							10.0	10.0	2.5	7.5						10.0	2.5	7.5		
Total	14.4	14.4	20.0	14.4	14.4	3.0	24.0	27.0	7.8	19.8	4.4	0.6	0.8	3.0	3.0	82.4	25.2	37.2		
		
300 CONTRACTUAL																				
Communications	1.0	1.0	3.0	1.8	1.0	0.9	0.9	0.5	0.4	2.8	0.7	0.5	4.0	2.0	2.0	8.5	4.2			
Printing and Advertising	0.1	0.1	0.2	0.1	0.1	0.1	0.1	0.0	0.1	0.1	0.0	0.0	0.1	0.1	0.1	0.4	0.2			
Repairs and Maintenance	0.1	0.1	0.2	0.1	0.1	0.1	0.1	0.1	0.0	0.1	0.0	0.0	0.1	0.1	0.1	0.4	0.3	0.2		
Office Space Rental	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
Equipment Rental	0.3	0.3	0.8	0.3	0.3	0.2	0.2	0.1	0.1	0.2	0.1	0.1	0.4	0.2	0.2	1.1	0.6	0.6		
MMIS--New Categories of Service							105.0	105.0	48.8	148.3						195.0	48.8	148.3		
MMIS--Change of Ad/Effs							21.0	21.0	5.3	15.8						21.0	5.3	15.8		
MMIS--New Reports							57.2	57.2	14.3	42.0						57.2	14.3	42.0		
Transition Funding			200.0	200.0	0.0											200.0	200.0	0.0		
Other	2.3	2.1	4.0	2.3	2.3	0.2	0.2	0.1	0.1	0.2	0.1	0.1	0.4	0.2	0.2	5.1	2.6	2.6		
Total	4.6	4.0	200.2	204.0	4.0	1.3	273.2	274.5	69.0	205.5	3.4	0.9	0.7	5.0	2.5	486.7	276.1	212.8		
		
400 SUPPLIES	0.0	0.0	1.2	0.0	0.0	0.3	0.3	0.2	0.2	0.5	0.2	0.2	0.8	0.4	0.5	2.4	1.2	1.3		
		
500 EQUIPMENT																				
Micro computer, monitor, NIC	0.0	3.5	3.5	1.0	1.0	3.5	3.5	1.8	1.8	3.5	3.5	3.5	10.5	5.3	5.3	17.5	8.8	8.8		
Software	0.5	1.0	2.1	1.1	1.1	1.0	1.0	0.0	0.0	1.8	1.8	1.0	4.8	2.4	2.4	8.5	4.3	4.3		
Desk and Chair	0.0	0.0	0.0	0.5	0.5	1.0	1.0	0.5	0.5	1.0	1.0	1.0	3.0	1.5	1.5	4.8	2.5	2.5		
Total	0.5	4.5	6.5	3.3	3.3	0.1	0.1	3.1	3.1	6.1	6.1	6.1	18.3	9.2	9.2	30.9	15.2	15.5		
		
TOTAL	04.0	00.3	200.0	373.2	200.6	80.0	38.8	297.2	330.1	83.8	242.3	61.5	21.8	18.3	101.0	50.8	50.8	810.8	431.2	379.7
	

Position Summary	Title	Range	Start Date
Medical State Programs			
OAC	Health Program Spec. II	10B	7/1/82
DMHDD	Health Program Spec. II	10A	7/1/82
Claims Processing			
	Health Program Spec. I	17A	1/1/83
Certification and Licensing			
	Health Program Spec. I	17A	4/1/83
	Accounting Technician I	12A	4/1/83
	Health Program Spec. II	10A	10/1/82

**C5 ADDITIONAL
EXPLANATION FORM**

AGENCY Health & Social Services
 BRU Medical Assistance Administration
 COMPONENT Claims Processing 243

Page 4 of 4
 Revised Date: 2/23/92

FY 93

TABLE 1
 ESTIMATED COST OF SERVICE FOR CHILDREN UNDER HCS HB438 (FIN)
 ADJUSTED FOR INFLATION
 (ADMINISTRATIVE COST NOT INCLUDED)
 FY 93 -- FY 98

Inflation Factor @ 6%	1.00	1.06	1.12	1.19	1.26	1.34	1.00	1.06	1.12	1.19	1.26	1.34
CHILDREN'S WAIVERS	TOTAL COSTS						STATE GENERAL FUNDS					
	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
No. of Children (at end of year)	0	52	96	108	122	137						
Medicaid Facility												
Institutional Care Offset	0	(450,283)	(1,358,468)	(1,945,914)	(2,320,503)	(2,767,199)	0	(231,896)	(699,611)	(1,002,146)	(1,195,059)	(1,425,108)
Medicaid Nonfacility												
Home & Community-Based Svcs Cost	0	1,008,646	3,043,009	4,358,904	5,197,993	6,198,607	0	519,453	1,567,149	2,244,836	2,676,967	3,192,403
Other Program Cost	0	578,297	1,744,676	2,499,131	2,980,214	3,553,905	0	297,823	898,508	1,287,052	1,534,810	1,830,261
Other Medicaid Offset	0	(18,713)	(56,457)	(80,870)	(96,438)	(115,002)	0	(9,637)	(29,075)	(41,648)	(49,666)	(59,226)
Subtotal	0	1,568,230	4,731,228	6,777,165	8,081,769	9,637,509	0	807,638	2,436,583	3,490,240	4,162,111	4,963,317
TOTAL MEDICAID	0	1,117,947	3,372,760	4,831,251	5,761,266	6,870,310	0	575,743	1,736,971	2,488,084	2,967,052	3,538,210
DPA	0	0	0	0	0	0	0	0	0	0	0	0
DMHDD	0	(213,607)	(644,434)	(923,109)	(1,100,807)	(1,312,713)	0	(213,607)	(644,434)	(923,109)	(1,100,807)	(1,312,713)
TOTAL	0	904,340	2,728,325	3,908,142	4,660,459	5,557,597	0	362,136	1,092,537	1,564,985	1,866,245	2,225,497
=====												
TEFRA OPTION	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
No. of Children on Option	0	65	73	67	77	88						
Percent of Year TEFRA offered	0	0	0	1	1	1						
Medicaid Nonfacility												
Home Based Services (@\$7649)	0	0	0	810,375	743,565	900,776	0	0	0	314,343	382,938	467,999
Other Medicaid Services @41966*50/65	0	0	0	2,576,005	3,138,112	3,801,598	0	0	0	1,326,642	1,616,128	1,963,317
Medicaid Subtotal	0	0	0	3,186,380	3,881,677	4,702,374	0	0	0	1,640,986	1,999,066	2,421,723
Duplicated Waiver Expenditures												
Home Based Services (7649/waiver\$)	0	0	0	592,155	706,145	842,078	0	0	0	304,960	363,665	433,670
Other Medicaid Services	0	0	0	2,495,131	2,980,214	3,553,905	0	0	0	1,287,052	1,534,810	1,830,261
Waiver Subtotal	0	0	0	3,091,286	3,686,359	4,395,983	0	0	0	1,592,012	1,898,475	2,263,931
Spending on TEFRA Option Less Waiver Expenditures												
Home Based Services	0	0	0	18,220	37,420	58,698	0	0	0	9,383	19,271	30,229
Other Medicaid Services	0	0	0	76,874	157,898	247,694	0	0	0	39,590	81,318	127,562
TEFRA Subtotal	0	0	0	95,094	195,318	306,391	0	0	0	48,973	100,589	157,791
=====												
TOTAL SERVICE COST -- WAIVER AND OPTION	0	904,340	2,728,325	4,003,236	4,855,777	5,863,988	0	362,136	1,092,537	1,613,958	1,966,834	2,383,286

HOUSE FINANCE COMMITTEE

LETTER OF INTENT

for

CSHB 438 (FIN)

It is the intent of the Legislature to support the Governor's decision to direct the Department of Health & Social Services to proceed without delay to gain federal approval of Medicaid waivers and options to provide home and community-based services to the aged, physically disabled adults, and developmentally disabled adults and children, including children with special medical needs.

Further, the Legislature believes that Alaska has a growing population needing an institutional level of care that would, if not for the home and community-based alternatives available under Medicaid waivers and options, require additional investment in construction and operation of additional health care facilities.

In regard to the Medicaid waivers and options for developmentally disabled children, including children with special medical needs, the Legislature further requests the Department of Health & Social Services to listen to and incorporate the concerns of families across the state. Specifically, the Department should:

1. Allow the Division of Mental Health & Developmental Disabilities to play a key role in the service design and policy of Medicaid waivers, along with the Division of Medical Assistance.
2. Allow parents, advocates and professionals to be involved with the development of the criteria for the definition of "at risk of institutionalization."

Finally, if the Department of Health & Social Services, Division of Medical Assistance fails to gain approval for the children's Medicaid waiver, it is the intent of the legislature that the department notify the Legislature without delay so that the Legislature can proceed with implementing the Medicaid option, the effective date of which is dependent upon approval of the Medicaid waiver for children with disabilities and special medical needs.

Eileen P. Wukien
Mike Savare

COMMITTEE COPY

4-30-92
Adopted by the House

ENGROSSED

CS FOR HOUSE BILL NO. 438 (FINANCE)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/29/92
 Referred: Rules

Sponsor(s): REPRESENTATIVES ELLIS, Koponen, Boyer, Gruenberg, Ulmer, B.Davis, Carney, Bruckman,
 Donley, Brown, Parnell, Finkelstein

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to Medicaid eligibility of persons who are eligible to be institutionalized
 2 but who are not in institutions; relating to Medicaid waivers; reordering the priorities
 3 assigned to groups of persons served under the Medicaid program; and providing for an
 4 effective date."

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

6 * Section 1. AS 47.07.020(b) is amended to read:

7 (b) In addition to the persons specified in (a) of this section, the following optional
 8 groups of persons for whom the state may claim federal financial participation are eligible for
 9 medical assistance:

10 (1) persons eligible for but not receiving assistance under any plan of the state
 11 approved under 42 U.S.C. 601 - 615 (Title IV-A, Social Security Act, Aid to Families with
 12 Dependent Children) or 42 U.S.C. 1381 - 1383c (Title XVI, Social Security Act, Supplemental
 13 Security Income);

14 (2) persons in a general hospital, skilled nursing facility or intermediate care

1 facility, who, if they left the facility, would be eligible for assistance under one of the federal
2 programs specified in (1) of this subsection;

3 (3) persons under age 21 who are under supervision of the department, for whom
4 maintenance is being paid in whole or in part from public funds, and who are in foster homes
5 or private child-care institutions;

6 (4) aged, blind, or disabled persons, who, because they do not meet income and
7 resources requirements, do not receive supplemental security income under 42 U.S.C. 1381 -
8 1383c (Title XVI, Social Security Act), and who do not receive a mandatory state supplement,
9 but who are eligible, or would be eligible if they were not in a skilled nursing facility or
10 intermediate care facility to receive an optional state supplementary payment;

11 (5) persons under age 21 who are in an institution designated as an intermediate
12 care facility for the mentally retarded and who are financially eligible as determined by the
13 standards of the federal aid to families with dependent children program;

14 (6) persons in a medical or intermediate care facility whose income while in the
15 facility does not exceed 300 percent of the supplemental security income benefit rate under 42
16 U.S.C. 1381 - 1383c (Title XVI, Social Security Act) but who would not be eligible for an
17 optional state supplementary payment if they left the hospital or other facility;

18 (7) persons under age 21 who are receiving active treatment in a psychiatric
19 hospital and who are financially eligible as determined by the standards of 42 U.S.C. 601 - 615
20 (Title IV-A, Social Security Act, Aid to Families with Dependent Children);

21 (8) persons under age 21 and not covered under (a) of this section, who would
22 be eligible for benefits under the federal aid to families with dependent children program, except
23 that they have the care and support of both their natural and adoptive parents;

24 (9) pregnant women not covered under (a) of this section and who meet the
25 income and resource requirements of the federal aid to families with dependent children program;

26 (10) persons who can be considered under 42 U.S.C. 1396a(e)(3) (Title XIX,
27 Social Security Act, Medical Assistance) to be individuals with respect to whom a
28 supplemental security income is being paid under 42 U.S.C. 1381 - 1383c (Title XVI, Social
29 Security Act) because they meet all of the following criteria:

30 (A) they are 18 years of age or younger and qualify as disabled
31 individuals under 42 U.S.C. 1382c(a) (Title XVI, Social Security Act);

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(B) the department has determined that

(i) they require a level of care provided in a hospital, nursing facility, or intermediate care facility for the mentally retarded;

(ii) it is appropriate to provide their care outside of an institution; and

(iii) the estimated amount that would be spent for medical assistance for their individual care outside an institution is not greater than the estimated amount that would otherwise be expended individually for medical assistance within an appropriate institution;

(C) if they were in a medical institution, they would be eligible for medical assistance under other provisions of this chapter; and

(D) home and community-based services under a waiver approved by the federal government are not available to them under this chapter [REPEALED].

* Sec. 2. AS 47.07.030 is amended by adding a new subsection to read:

(c) Notwithstanding (b) of this section, the department may offer a service for which the department has received a waiver from the federal government if the department was authorized, directed, or requested to apply for the waiver by law or by a concurrent or joint resolution of the legislature.

* Sec. 3. AS 47.07.035 is amended to read:

Sec. 47.07.035. PRIORITY OF MEDICAL ASSISTANCE. If the department finds that the cost of medical assistance for all persons eligible under this chapter will exceed the amount allocated in the state budget for that assistance for the fiscal year, the department shall eliminate coverage for optional medical services and optionally eligible groups of individuals in the following order:

- (1) clinical social workers' services;
- (2) psychologists' services;
- (3) chiropractic services;
- (4) adult dental services;
- (5) emergency hospital services;
- (6) treatment of speech, hearing, and language disorders;
- (7) optometrists' services and eyeglasses;

- 1 (8) occupational therapy;
2 (9) mammography screening;
3 (10) prosthetic devices;
4 (11) medical supplies and equipment;
5 (12) clinic services;
6 (13) physical therapy;
7 (14) personal care services in a recipient's home;
8 (15) prescribed drugs;
9 (16) long-term care noninstitutional services;
10 (17) inpatient psychiatric facility services;
11 (18) intermediate care facility services for the mentally retarded;
12 (19) intermediate care facility services;
13 (20) individuals described in AS 47.07.020(b)(10);
14 (21) individuals under age 21 who are not eligible for benefits under the federal
15 aid to families with dependent children program because they are not deprived of one or more
16 of their natural or adoptive parents;
17 (22) [(21)] skilled nursing facility services for persons under age 21;
18 (23) [(22)] aged, blind, and disabled individuals who, because they do not meet
19 the income requirements, do not receive supplemental security income under Title XVI of the
20 Social Security Act, but who are eligible, or would be eligible if they were not in a skilled
21 nursing facility or intermediate care facility, to receive an optional state supplementary payment;
22 (24) [(23)] individuals in a hospital, skilled nursing facility, or intermediate care
23 facility whose income while in the facility does not exceed 300 percent of the supplemental
24 security income benefit rate under Title XVI of the Social Security Act, but who, because of
25 income, are not eligible for the optional state supplementary payment;
26 (25) [(24)] individuals under age 21 under supervision of the department, for
27 whom maintenance is being paid in whole or in part from public money and who are in foster
28 homes or private child-care institutions.

29 * Sec. 4. DEPARTMENT TO SEEK WAIVER. The Department of Health and Social Services shall
30 seek approval of a waiver for home and community-based services under 42 U.S.C. 1396n for persons
31 who are Medicaid eligible and who would otherwise require a level of care provided in a hospital,

1 nursing facility, or intermediate care facility for the mentally retarded, in the absence of home and
2 community-based services.

3 * Sec. 5. (a) Sections 1 and 3 of this Act take effect two years after the effective date of a waiver
4 approved by the federal government under which the state Medicaid program will be able to cover home
5 and community-based services for Medicaid-eligible persons under the age of 19 who are at risk of
6 institutionalization.

7 (b) The Department of Health and Social Services shall notify the revisor of statutes as to the
8 effective date of the waiver referred to in (a) of this section.

9 * Sec. 6. Sections 2 and 4 of this Act take effect immediately under AS 01.10.070(c).

3111 C STREET, SUITE 455
ANCHORAGE, ALASKA 99503
(907) 561-7628

WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3704

ALASKA STATE HOUSE



CHAIR
RULES COMMITTEE

JUDICIARY

SPECIAL COMMITTEE ON INTERNATIONAL
TRADE & TOURISM

LEGISLATIVE COUNCIL

REPRESENTATIVE JOHNNY ELLIS

CSHB 438 SPONSOR STATEMENT

WHY SERVICES DOES CSHB 438 — THE TEFRA OPTION BILL — OFFER?

The TEFRA Option Bill allows a child to be Medicaid eligible at home by treating the parents' income in the same way it would be handled if the child were in an institution. The option makes *all* kids under age 19 who qualify for an institutional level of care Medicaid eligible for basic hospital doctor care/health services, hospice for kids, case management — everything in normal EPSTD coverage. Seventeen states have the TEFRA Option, 28 states have regular waivers that serve kids and six have both as of Sept. 1, 1989.

DOES THIS BILL HAVE ANY MEANS OF COST CONTAINMENT?

Yes. It only applies to kids under the age of 19 who meet the requirement for an institutional level of care *and* their care is more cost-effective if provided at home.

WHO IS ELIGIBLE FOR THE SERVICES PROVIDED BY CSHB 438?

- Is under the age of 19 and would be eligible for Medicaid in an institution
- Requires or is at risk of needing an "institutional" level of care
- The care is appropriately provided outside the institution
- The cost of providing care is no more than the cost of institutional care
- Home and community based services are not available to this person under a waiver

WHAT GROUPS OF CHILDREN DOES CSHB 438 COVER?

The DH&SS estimates about 100 children would be eligible for the option as of June 1990 — Families & advocates estimate there are more children.

- 20 children in Hope Cottages, one of Alaska's two ICF-MR's
- 5 children in hospitals
- 11 children in foster care
- 9 children in nursing homes
- Estimated 55 children at home (paid through private insurance from parents or Medicaid)

CONCLUSION

Please consider adopting both the TEFRA option — CSHB 438 — and at the same time support the DH&SS's decision to apply for Medicaid waivers. The effective date of this legislation is two years after the federally-approved effective date of the waivers — hopefully July 1, 1995. This legislation will provide services only to those families who cannot be covered with a Medicaid waiver.



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ANCHORAGE, ALASKA 99503
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LEGISLATIVE COUNCIL

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CSHB 438 SECTIONAL ANALYSIS

The House Finance Committee made several technical amendments to this legislation in regard to citing federal documents. Those are on page 4, lines 19, 24 and 30. Also, the effective date has been changed: page 5, line 3 changes from 180 days to 2 years the effective date of medicaid waivers for children.

HB 438 Amends Alaska Statutes 47.07 — Medical Assistance for Needy Persons

SECTION 1

AS 47.07.020 (b) is amended by adding a new section (10) describing the kind of person to be eligible for the Medicaid option. (A) and (B) defines people under the age of 19 who are eligible for assistance if in a hospital, nursing facility or ICF-MR — whose care would cost less if that person were receiving care at home, and (C) and (D) says that if that person were eligible for Medicaid in the institution then that person should remain eligible if that person left the facility — disregarding the income and resources of that person's parents, guardian or other caretakers.

SECTION 2

AS 47.07.030 is amended by adding a new section (c) that makes clear in the Statutes that the Department of H&SS can offer services under a waiver. The bill drafters thought this might be necessary to have in statute.

SECTION 3

AS47.07.035 is amended to add the new Medicaid option to the list of prioritized Medicaid options the state can offer. It lists the new option as number 20 on the priority list. I worked with the bill drafters to place it as number 20 because that is where the services end and the groups of people begin. Last year there was an unwritten policy that new options listed should be the first to go on the priority list, and putting this at number 20 follows that policy to the extent that this is placed as the first GROUP of people.

SECTION 4

This section recognizes that the state shall seek approval of a waiver from the federal government to provide home and community based services for persons who are Medicaid eligible.

SECTION 5

Sections 1 and 3 of this Act take effect two years after the waivers for children are approved by the Federal government. The Department of Health & Social Services is expected to gain approval for waivers no later than July of 1993, thereby making the effective date of this legislation July 1, 1995.



3111 C STREET, SUITE 455
ANCHORAGE, ALASKA 99503
(907) 561-7628

WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 485-3704

ALASKA STATE HOUSE



CHAIR
RULES COMMITTEE

JUDICIARY

SPECIAL COMMITTEE ON INTERNATIONAL
TRADE & TOURISM

LEGISLATIVE COUNCIL

REPRESENTATIVE JOHNNY ELLIS

Letter of Intent for CSHB 438 (Finance)

It is the intent of the Legislature to support the Governor's decision to direct the Department of Health & Social Services to proceed without delay to gain federal approval of Medicaid waivers and options to provide home and community-based services to the aged, physically disabled adults, and developmentally disabled adults and children, including children with special medical needs.

Further, the Legislature believes that Alaska has a growing population needing an institutional level of care that would, if not for the home and community-based alternatives available under Medicaid waivers and options, require additional investment in construction and operation of additional health care facilities.

In regard to the Medicaid waivers and options for developmentally disabled children, including children with special medical needs, the Legislature further requests the Department of Health & Social Services to listen to and incorporate the concerns of families across the state. Specifically, the Department should:

1. Allow the Division of Mental Health & Developmental Disabilities to play a key role in the service design and policy of Medicaid waivers, along with the Division of Medical Assistance.
2. Allow parents, advocates and professionals to be involved with the development of the criteria for the definition of "at risk of institutionalization."

Finally, if the Department of Health & Social Services, Division of Medical Assistance fails to gain approval for the children's Medicaid waiver, it is the intent of the legislature that the department notify the Legislature without delay so that the Legislature can proceed with implementing the Medicaid option, the effective date of which is dependent upon approval of the Medicaid waiver for children with disabilities and special medical needs.



HB440

File

(11)

HOUSE COMMITTEE REPORT

Date Referred: March 4, 1992

FURTHER REFERRALS:

Date of Committee Action: 3/16/92

The FINANCE Committee considered:

HB 440

HOUSE BILL NO. 440

SEX OFFENDER REGISTRATION

"An Act relating to registration and community notification of sex offenders and amending Alaska Rule of Criminal Procedure 32(b)."

RECOMMENDATIONS:

be replaced with FS HB 440 (FIN) [] the same title

[x] a new title

[] have attached amendments(s)

[x] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) _____

[x] zero fiscal note LAW 2128192

[x] zero fiscal note(s) Admin 3/4/92 OPA
Admin 3/4/92 PD
DOC 3/16/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Mike Savane	✓	Mark Boyer		X	
Jay Brown		Weyand		✓	
Ray [unclear]		Ray [unclear]		X	
Reed E. [unclear]	✓	Ronald J. [unclear]		X	
Bob [unclear]	✓				
Frank [unclear]	X				
Eileen P. Macher	✓				

Mike Savane EP Macher
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 440 (JUD)

Revision Date: February 28, 1992
Title: "...registration by and community notification of sex offenders..."
Sponsor: Representative Ulmer
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Prosecution, Legal Services
Component: Prosecution - All Legal Services - Operations
COMPONENT SERIAL

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Expenditures/Revenues: (Thousands of Dollars)

85 through 91, 93

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
Division: Administrative Services Date: February 28, 1992
Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law Date: February 28, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

NO. 4

Bill Version: CSHB 440 (JUD)

(H) Publish Date: 3-4-92

Revision Date: _____ Department Affected: Department of Corrections
 Title: "An Act relating to registra- BRU: Statewide Operations
tion...of sex offenders..." Component: Various
 Sponsor: Rep. Ulmer
 Requestor: House Judiciary COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached fiscal analysis.

Prepared By: *Diane Schenker* Diane Schenker, Legislative Liaison Phone: 465-3376
 Division: Office of the Commissioner Date: 02/24/92
 Approved by Commissioner: *Lloyd Hames* Lloyd Hames, Commissioner
 Agency: Department of Corrections Date: 02/24/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/7/91

Page 1 of 3

COMMITTEE COPY

CONTINUATION OF FISCAL ANALYSIS

BILL: (S HB 440(JUD)) "An Act relating to registration and community notification of sex offenders and amending Alaska Rule of Criminal Procedure 32(b)."

The bill requires the Department of Corrections to provide notification of a sex offender's release, parole, community placement, work release placement, furlough, or escape to the police in the community in which the offender will reside and to the Alaska State Trooper post nearest to where the offender will reside. The notice must be given at least 10 days prior to release. In the case of escape, notice must be given immediately.

The bill also requires the Department of Corrections to provide written notification to sex offenders of the registration requirements at the time of release from confinement, including receipt and retention of a signed acknowledgement. The Department would also be required to give written notice of the registration requirements to a sex offender placed under the Department's authority through the Interstate Corrections Compact.

Projected release dates of sex offenders currently incarcerated are as follows:

<u>Time Period</u>	<u>Number of Sex Offenders Released</u>
01/01/92 - 12/31/92	52
" 93 - " 93	100
" 94 - " 94	50
" 95 - " 95	54
" 96 - " 96	37

The number of sex offender cases under the Interstate Compact are as follows:

01/01/90 - 12/31/90	38
" 91 - " 91	27

Based on an average of the above-listed cases, approximately 51 sex offenders would require notification per year, or slightly over four per month. This duty can be absorbed without additional staff, since various paperwork must be completed at the time of release for each offender anyway. These sections will require revision of Department Policies and Procedures. This task can be absorbed by the staff who are currently assigned to revise such policies on an on-going basis. Therefor, no fiscal impact is expected due to these requirements.

(Ju0)
CS HB 440 CONTINUATION OF FISCAL ANALYSIS

The bill would also make it a Class B Misdemeanor for a sex offender to knowingly fail to register as required. Information regarding a similar sex offender registration requirement in Washington state suggests that about 76% of the sex offenders comply with the registration requirement. Assuming that approximately 50 sex offenders are released and required to register each year, a 24% failure rate would make 12 offenders eligible for a Class B misdemeanor each year.

In 1983 the Alaska Judicial Council studied a sample of 1795 misdemeanor cases to determine sentencing patterns. Approximately 29% were sentenced to some incarceration, other than concurrent sentences involving other charges. This would suggest that only 30% of 12 offenders would be likely to be sentenced to incarceration for this offense, or less than four offenders per year. Information on the length of sentence is not available. It is assumed that four misdemeanants per year requiring some period of incarceration would not have significant fiscal impact on the Department and could probably be absorbed through the use of existing community residential center beds.

However, since this bill would criminalize a behavior which is currently not illegal in Alaska, it must be recognized that the above estimates are speculative. Should the noncompliance rates be greater in Alaska, or should sentencing for these Class B misdemeanors result in frequent or lengthy (up to one year) incarcerations, one long term effect of this bill may be to accelerate the pace at which the Department of Corrections moves toward the need to expand prison space through construction of new facilities, with associated increases in operating costs.

Revision Date: _____

Title: An Act relating to registration and community notification of sex offenders and amending Alaska Rule of Criminal Procedure 32(b).

Sponsor: Ulmer

Requestor: House Judiciary

Department Affected: Administration

BRU: Office of Public Advocacy

Component: Office of Public Advocacy

COMPONENT SERIAL NO.

		4	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: February 10, 1992

Approved by Commissioner: Nancy Bear Usery
 Agency: Administration

Date: 2/21/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Revision Date: _____

Title: Sex Offender Registration

Sponsor: Ulmer

Requestor: House Judiciary

Department Affected: Administration

BRU: Public Defender

Component: Public Defender

COMPONENT SERIAL NO.

1	6	3	1
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Kevin Brooks

Division: Administrative Services

Phone: 465-2277

Date: February 21, 1992

Approved by Commissioner: Nancy Bear Usura

Agency: Administration

Date: 2/21/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. DRAFT CSHB 440(FIN)

Revision Date: _____ Department Affected: Public Safety
 Title: "An Act relating to registration of sex offenders." BRU: Alaska State Troopers
 Sponsor: Representative Ulmer Component: Criminal Investigation Bureau
 Requestor: House Finance COMPONENT SERIAL NO.

	8	3	0
--	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	39.1	39.1	39.1	39.1	39.1	39.1
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	36.1	2.1	2.1	2.1	2.1	2.1
SUPPLIES	2.6	2.6	2.6	2.6	2.6	2.6
EQUIPMENT	11.8					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	89.6	43.8	43.8	43.8	43.8	43.8

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	58.6	32.8	32.8	32.8	32.8	32.8
FEDERAL FUNDS						
OTHER (Prog. Rec.) FUND SOURCE: 1005	31.0	11.0	11.0	11.0	11.0	11.0
TOTAL	89.6	43.8	43.8	43.8	43.8	43.8

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year impact: FY93

ANALYSIS: (Attach a separate page if necessary.)

 See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691

Division: Alaska State Troopers Date: 3/17/92

Approved by Commissioner: Richard L. Burton

Agency: Department of Public Safety Date: 3/17/92

CSHB 440 (FIN) establishes a sex offender registry within the Department of Public Safety. The bill requires State Troopers to take the photographs and fingerprints of sexual offenders and to maintain a central repository of sex offender information.

The Criminal Investigation Bureau (CIB), Sex Crimes Unit, estimates that there are approximately 200 persons convicted of sex crimes annually. This is supported by data provided by the Department of Corrections, indicating that over the past eight years the average of new inmates sentenced for sex crimes is 193 per year. The majority of these offenders are sentenced to serve at least some time in prison, and would be subject to registration upon release from a correctional facility. The Department of Corrections estimates that approximately 50 sex offenders per year are released from custody, with another approximately 30 sex offenders a year transferring to Alaska under the Interstate Compact. Adding to those convicted offenders who are not incarcerated, the Department estimates that between 150-200 offenders a year will have to register.

Although the bill does not specifically state, the Department is assuming that the bill will be applied retroactively to all convicted sex offenders who meet the terms of the bill and who are present in Alaska at the time the bill becomes law. It is difficult to estimate the number of such offenders, but estimates from the Department of Corrections and the Department of Law indicate that around 1,000 offenders would have to register immediately after the bill becomes law.

Because failure to register is a crime, it is essential that there be some notice to the public of the registration requirements if this bill is adopted. First year costs include \$10,000 in contractual costs to pay for the posters required under Section 6 of the bill and for a handful of notices to be placed in newspapers around the state.

With some programming additions and data storage expansion, the DPS Information Systems section anticipates that the Alaska Public Safety Information Network (APSIN) can be adapted to meet the "Central Repository" requirements of this legislation. This will involve creating a new subsystem in APSIN which can take advantage of information already available on convicted offenders. The collection of fingerprints will become part of the Alaska Automated Fingerprint Identification System (AAFIS) and APSIN. Information on these sex offenders will then be available to Criminal Justice Terminals throughout the state who are authorized to receive such information. Special applications will be developed to supply the public information authorized, yet retain confidential data. The cost of designing, coding, testing, installing, and documenting this application will be \$20,000. Computer resources (CPU costs, Disk storage costs, etc.) necessary to develop the application will cost \$4,000. Permanent disk usage will cost \$1,000 for the first year and every year thereafter. This will handle an initial database of

approximately 1000 offenders, and is capable of expanding yearly by an additional 200 offenders.

To deal with the additional tasks necessary to implement this legislation, including data entry for new felons added to the system (which will involve updating APSIN with release, probation and escape information), entry and dissemination of information, and the processing of the fingerprint cards generated through the registration requirement, a Clerk IV position is needed in the Sex Crimes Unit of the Criminal Investigation Bureau.

This position will provide a point of contact for all information regarding the registration of convicted sex offenders for all state and local law enforcement agencies. This will involve interaction with the Department of Corrections, Department of Law, Alaska Court System and local law enforcement agencies. This position will also respond to all requests for information from the public.

CSHB 440(FIN) calls for all AST posts to be available to take sex offenders' fingerprints and photographs. Since not all AST posts are currently equipped with adequate cameras, this requirement will necessitate some purchases of new cameras (\$2,500) to assure sufficient photograph quality. Ongoing costs for fingerprint cards are included with the supplies requirements for the Clerk IV.

The following is a summary of the costs that are anticipated to be incurred during the first year of operations under this legislation:

	<u>Equipment & Public Notice</u>	<u>Computer Programming</u>	<u>Clerk IV</u>	<u>Total</u>
Personal Services	\$ -	\$ -	\$39.1	\$ 39.1
Contractual	10.0	24.0	2.1	36.1
Supplies	-	-	2.6	2.6
Equipment	<u>11.8</u>	<u>-</u>	<u>-</u>	<u>11.8</u>
Total	\$21.8	\$24.0	\$43.8	\$ 89.6

Costs not included after the first year in operation are the equipment costs (\$11.8), costs of public notice (10.0), and the initial programming effort and storage space expansion (\$24.0).

PERSONAL SERVICES

Salary - Clerk IV - Range 9, Step A, including 120 hours of overtime	\$25,726	
Benefits	<u>13,399</u>	
Total Personal Services		\$39,125

CONTRACTUAL

Printing of Posters and Public Notices	10,000	
Telephone/Postage, \$50 per mo	600	
Repair and maintenance on micro computer	500	
Contracted Programming and data storage space	<u>25,000</u>	
Total Contractual		36,100

SUPPLIES & MATERIALS

Film	500	
Registration forms	1,000	
Stationary, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk	500	
Chair	225	
Computer table	600	
Cameras 35mm (x10)	2,500	
Micro computer with printer	<u>8,000</u>	
Total Equipment		11,825

TOTAL COST \$89,650

The Finance Committee CS authorizes the Department of Public Safety to adopt fees to implement this program. It is very difficult to estimate the revenue that would be generated by these fees. If offenders were to be charged \$20.00 each for initial registration, and persons seeking information from the central registry are charged a fee of \$5.00, the revenue that would be raised is estimated as follows:

FY 93	1,250 offenders	1,200 inquiries
	x <u>20</u> fee	x <u>5</u>
	25,000	6,000

FY 94 & beyond	250 offenders	1,200 inquiries
	x <u>20</u> fee	x <u>5</u>
	5,000	6,000

Position Title Clerk IV		Number of Positions 1	Range/Step 9/A	Bargaining Unit ASEA
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 99	
Type of Expenditure		Justification		
1	2	3	<p>This position will be responsible for updating APSIN (Alaska Public Safety Information Network) with release, probation and escape information; entry and dissemination of the information and the processing of the fingerprint cards generated through the registration requirement. Tasks associated with the fingerprint card processing are monitoring receipt of the anticipated cards, reviewing the cards for accuracy and completeness, preparing the cards for AAFIS (Alaska Automated Fingerprint Information System) processing and maintaining the fingerprint card file.</p> <p>The position will act as the point of contact for all information regarding the registration of convicted sex offenders for all the state and local law enforcement agencies. This individual will file all information and photographs after receiving it from the trooper posts. Additionally, this will involve interaction with the Department of Corrections, the Department of Health and Social Services, Department of Law, and the Alaska Court System.</p>	
Salary*	25.7			
Benefits*	13.4			
Premium Pay (Included in Above)				
Other				
Total Personal Services		39.1		
Travel				
Contractual		2.1		
Commodities		2.6		
Equipment				
Other				
Total Cost		43.8		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	43.8		
Program Receipts/GF	1005			
-A Receipts	1007			
CIP Receipts	1081			
Other				
* Personal Services Salary and Benefits Costs are from PACS Scenario #8. Position 12-#132.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Alaska State Troopers

COMPONENT Criminal Investigation Bureau

FY 93

Page 5 of 5

Revised Date

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

March 17, 1992

SUBJECT: CS for HB 440(Finance)

TO: Representative Mike Navarre
Chairman, House Finance Committee

FROM: Robert Glennon Casey *RGC 3-17-92*
Legislative Counsel

There may be both practical and legal problems with the changes requested by the House Finance Committee. Nonetheless, a final accompanies this memorandum, due to the expedited nature of the Committee's request.

There would be indigents who were unable to pay the registration fee but who were nonetheless obligated to register. Even if fees were waived for indigents, it might generally be difficult to justify imposing a fee on a sex offender for complying with a duty that the offender was under an unconditional legal obligation to perform. Finally, the fee might be regarded as an impermissible retroactive sentence added to criminal sentences that were imposed out of state or imposed before the effective date of this bill.

RBC:gc
92-242.glc

CS FOR HOUSE BILL NO. 440 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES ULMER, Barnes, Bruckman, B.Davis, C.Davis, M.A.Miller, G.Phillips, R.Phillips, Donley, Brown, MacLean, Lincoln, Parnell, Leman

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to registration of sex offenders and amending Alaska Rules of Criminal
2 Procedure 11(c) and 32(b)."

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

4 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

5 (1) sex offenders pose a high risk of reoffending after release from custody;

6 (2) protecting the public from sex offenders is a primary governmental interest;

7 (3) the privacy interests of persons convicted of sex offenses are less important than the
8 government's interest in public safety; and

9 (4) release of certain information about sex offenders to public agencies and the general
10 public will assist in protecting the public safety.

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

12 Sec. 11.41.465. FAILURE TO REGISTER AS A SEX OFFENDER. A person who
13 knowingly fails to register as required in AS 12.63.010 is guilty of a class B misdemeanor.

14 * Sec. 3. AS 12.55 is amended by adding a new section to read:

1 Sec. 12.55.148. JUDGMENT FOR SEX OFFENSES. When a defendant is convicted of
2 a sex offense by a court of this state, the written judgment must set out the registration
3 requirements of AS 12.63.010.

4 * Sec. 4. AS 12 is amended by adding a new chapter to read:

5 CHAPTER 63. REGISTRATION OF SEX OFFENDERS.

6 Sec. 12.63.010. REGISTRATION OF SEX OFFENDERS. (a) A sex offender who is
7 physically present in the state shall register as provided in this section. The sex offender shall
8 register within

9 (1) 30 days of release from a state correctional facility;

10 (2) 30 days of conviction for a sex offense, if the sex offender is not sentenced
11 to a term of incarceration; or

12 (3) 45 days of becoming physically present in the state.

13 (b) A sex offender required to register under (a) of this section shall register in person
14 at the Alaska state trooper post located nearest to where the sex offender resides at the time of
15 registration. To fulfill the registration requirement, the sex offender shall

16 (1) complete a registration form that includes the sex offender's name, address,
17 place of employment, date of birth, crime for which convicted, date of conviction, place and
18 court of conviction, all aliases used, and Alaska driver's license number;

19 (2) allow the Alaska state troopers to take a complete set of the sex offender's
20 fingerprints; and

21 (3) allow the Alaska state troopers to take the sex offender's photograph.

22 (c) If a sex offender changes residence within the state after having registered under (a)
23 of this section, the sex offender shall provide written notice of the change to the Alaska state
24 trooper post located nearest to the new residence within 10 days of the change.

25 Sec. 12.63.020. TERMINATION OF SEX OFFENDER DUTY TO REGISTER. (a) The
26 duty of a sex offender to register under AS 12.63.010 ends

27 (1) 10 years following the sex offender's unconditional discharge from a
28 conviction for an unclassified, class A, or class B felony sex offense;

29 (2) five years following the sex offender's unconditional discharge from a
30 conviction for a class C felony, a class A misdemeanor, or a class B misdemeanor sex offense.

31 (b) The termination date of the duty to register, as provided in (a) of this section, is

1 based on the most serious class of sex offense for which the sex offender was convicted.

2 Sec. 12.63.100. DEFINITIONS. In this chapter,

3 (1) "sex offender" means a person convicted of a sex offense in this state or
4 another jurisdiction regardless of whether the conviction occurred before, after, or on the effective
5 date of this section;

6 (2) "sex offense" means a crime under AS 11.41.410 - 11.41.455 or a similar law
7 in another jurisdiction;

8 (3) "unconditional discharge" has the meaning given in AS 12.55.185.

9 * Sec. 5. AS 18.65 is amended by adding a new section to read:

10 Sec. 18.65.087. CENTRAL REGISTRY OF SEX OFFENDERS. (a) The Alaska state
11 troopers shall maintain a central registry of sex offenders required to register under AS 12.63.010
12 and shall adopt regulations necessary to carry out the purposes of this section and AS 12.63. A
13 post of the Alaska state troopers that receives information and fingerprints under AS 12.63.010
14 shall forward the information and fingerprints within five working days of receipt to the central
15 registry of sex offenders.

16 (b) Information about a sex offender that is contained in the central registry, including
17 sets of fingerprints, is confidential and not subject to public disclosure except as to the sex
18 offender's name, address, place of employment, date of birth, crime for which convicted, date
19 of conviction, place and court of conviction, and length of sentence.

20 (c) The Department of Public Safety may adopt regulations to establish fees to be
21 charged for registration under AS 12.63.010 and for information requests.

22 * Sec. 6. AS 28.05 is amended by adding a new section to read:

23 Sec. 28.05.048. SEX OFFENDER REGISTRATION. The department shall display notice
24 of the registration requirements of AS 12.63.010 at a place where the public may apply for a
25 driver's license, identification card, or vehicle registration.

26 * Sec. 7. AS 33.30 is amended by adding a new section to read:

27 Sec. 33.30.012. NOTICE OF RELEASE, PAROLE, COMMUNITY PLACEMENT,
28 WORK RELEASE PLACEMENT, FURLOUGH, OR ESCAPE OF SEX OFFENDER. (a) At
29 the earliest possible date, and in no event later than 10 days before release, the commissioner
30 shall send written notice of release, parole, community placement, work release placement or
31 furlough of a specific inmate convicted of a sex offense to:

1 (1) the chief of police of the community, if any, in which the inmate will reside;
2 and

3 (2) the Alaska state trooper post located nearest to where the inmate will reside.

4 (b) If an inmate convicted of a sex offense escapes from a correctional facility, the
5 commissioner shall immediately notify the chief of police of the community and Alaska state
6 trooper post located closest to where the inmate resided immediately before the inmate's arrest
7 and conviction.

8 * Sec. 8. AS 33.30 is amended by adding a new section to read:

9 Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION REQUIREMENT.

10 The department shall provide written notice to a sex offender of the registration requirements of
11 AS 12.63.010, and shall obtain a signed acknowledgement of receipt of notice from the sex
12 offender

13 (1) at the time of the sex offender's release from a state correctional facility;

14 (2) immediately after taking supervision of a sex offender under the Interstate
15 Corrections Compact or AS 33.36.110.

16 * Sec. 9. AS 33.30.901 is amended by adding a new paragraph to read:

17 (14) "sex offender" has the meaning given in AS 12.63.100.

18 * Sec. 10. Alaska Rule of Criminal Procedure 11(c) is amended to read:

19 (c) PLEAS OF GUILTY OR NOLO CONTENDERE. The court shall not accept a plea
20 of guilty or nolo contendere from a defendant without first addressing the defendant personally
21 and

22 (1) determining that the defendant [HE] understands the nature of the charge;
23 and

24 (2) informing the defendant [HIM] that by the [HIS] plea of guilty or nolo
25 contendere the defendant [HE] waives the [HIS] right to trial by jury or trial by a judge and the
26 right to be confronted with the witnesses against the defendant [HIM]; [AND]

27 (3) informing the defendant [HIM]:

28 (i) of the mandatory minimum punishment, if any, and the
29 maximum possible punishment provided by the statute defining the offense to
30 which the plea is offered, and

31 (ii) that the defendant has the right to plead not guilty or to persist

1 in that plea if it has already been made, or to plead guilty; and
2 (4) if the defendant is charged with a sex offense as defined in AS 12.63.100,
3 informing the defendant in writing of the registration requirement under AS 12.63.010.

4 * Sec. 11. The provisions of AS 12.55.148, added by sec. 3 of this Act, have the effect of changing
5 Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment containing notification
6 of the duty to register under AS 12.63.010 be provided to a defendant convicted of a sex offense.

7 * Sec. 12. APPLICABILITY. A sex offender whose most recent conviction for a sex offense
8 occurred before the effective date of this Act shall register under AS 12.63.010, added by sec. 4 of this
9 Act, before January 1, 1993. In this section, "sex offender" and "sex offense" have the meanings given
10 by AS 12.63.100, added by sec. 4 of this Act.

11 * Sec. 13. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 11 of this Act receives
12 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
13 Alaska.

CS FOR HOUSE BILL NO. 440 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES ULMER, Barnes, Bruckman, B.Davis, C.Davis, M.A.Miller, G.Phillips, R.Phillips, Donley, Brown, MacLean, Lincoln, Parnell, Leman

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11 to a term of incarceration; or

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14 at the Alaska state trooper post located nearest to where the sex offender resides at the time of
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18 court of conviction, all aliases used, and Alaska driver's license number;

19 (2) allow the Alaska state troopers to take a complete set of the sex offender's
20 fingerprints; and

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22 (c) If a sex offender changes residence within the state after having registered under (a)
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24 trooper post located nearest to the new residence within 10 days of the change.

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29 (2) five years following the sex offender's unconditional discharge from a
30 conviction for a class C felony, a class A misdemeanor, or a class B misdemeanor sex offense.

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30 (1) the chief of police of the community, if any, in which the inmate will reside;

31 and

1 (2) the Alaska state trooper post located nearest to where the inmate will reside.

2 (b) If an inmate convicted of a sex offense escapes from a correctional facility, the
3 commissioner shall immediately notify the chief of police of the community and Alaska state
4 trooper post located closest to where the inmate resided immediately before the inmate's arrest
5 and conviction.

6 * Sec. 8. AS 33.30 is amended by adding a new section to read:

7 Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION REQUIREMENT.

8 The department shall provide written notice to a sex offender of the registration requirements of
9 AS 12.63.010, and shall obtain a signed acknowledgement of receipt of notice from the sex
10 offender

11 (1) at the time of the sex offender's release from a state correctional facility;

12 (2) immediately after taking supervision of a sex offender under the Interstate
13 Corrections Compact or AS 33.36.110.

14 * Sec. 9. AS 33.30.901 is amended by adding a new paragraph to read:

15 (14) "sex offender" has the meaning given in AS 12.63.100.

16 * Sec. 10. Alaska Rule of Criminal Procedure 11(c) is amended to read:

17 (c) PLEAS OF GUILTY OR NOLO CONTENDERE. The court shall not accept a plea
18 of guilty or nolo contendere from a defendant without first addressing the defendant personally
19 and

20 (1) determining that the defendant [HE] understands the nature of the charge;
21 and

22 (2) informing the defendant [HIM] that by the [HIS] plea of guilty or nolo
23 contendere the defendant [HE] waives the [HIS] right to trial by jury or trial by a judge and the
24 right to be confronted with the witnesses against the defendant [HIM]; [AND]

25 (3) informing the defendant [HIM]:

26 (i) of the mandatory minimum punishment, if any, and the
27 maximum possible punishment provided by the statute defining the offense to
28 which the plea is offered, and

29 (ii) that the defendant has the right to plead not guilty or to persist
30 in that plea if it has already been made, or to plead guilty; and

31 (4) if the defendant is charged with a sex offense as defined in AS 12.63.100,

1 informing the defendant in writing of the registration requirement under AS 12.63.010.

2 * Sec. 11. The provisions of AS 12.55.148, added by sec. 3 of this Act, have the effect of changing
3 Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment containing notification
4 of the duty to register under AS 12.63.010 be provided to a defendant convicted of a sex offense.

5 * Sec. 12. APPLICABILITY. A sex offender whose most recent conviction for a sex offense
6 occurred before the effective date of this Act shall register under AS 12.63.010, added by sec. 4 of this
7 Act, before January 1, 1993. In this section, "sex offender" and "sex offense" have the meanings given
8 by AS 12.63.100, added by sec. 4 of this Act.

9 * Sec. 13. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 11 of this Act receives
10 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
11 Alaska.

Amendment for HB 440

Section 5
18.65.087 (c)

The Department of Public Safety may adopt regulations to establish fees to be charged for registration and for information requests.

Amendment to CSHB440

by
Ulmer

#1

Withdrawn

p 3 line 19

add

(c) A person has the right to inspect sex offender registration information that refers to the person. If the person believes the information is inaccurate, incomplete or misleading, the person may request that the records be modified.

(d) The Department shall adopt regulations to establish a process to resolve disputes about the accuracy of information contained in its records under this section.

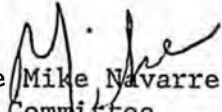
Alaska State Legislature

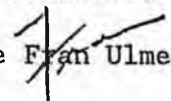
HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM
March 6, 1992

To: Representative  Mike Navarre, Co-Chair
House Finance Committee

From: Representative  Fran Ulmer

Subject: CSHB 440 (JUD), "An Act relating to registration by and notification of sex offenders and amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

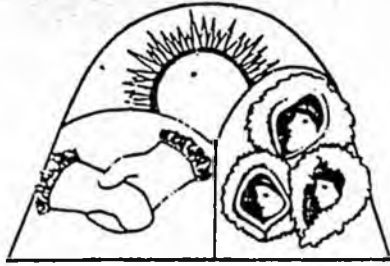
This is to request that you schedule HB 440 for hearing before the House Finance Committee. The bill will enhance protection of the public by making the identities of known, convicted sex offenders accessible. It will also assist law enforcement in tracking sex offenders as they move from community to community.

HB 440 requires that all convicted adult sex offenders register with the nearest Alaska State Trooper Post upon release from prison, relocating to a new address or moving to Alaska. Upon written request, the Troopers will provide certain identifying information. The bill makes failure to register a Class B misdemeanor.

HB 440 is modeled after a Washington State law, but a growing number of states require sex offender registration in some manner. The National Center for Missing and Exploited Children advocates for registration in every state as a way to further protect children.

This bill is supported by citizens from around the state including: operators of day care centers, parents of children in day care, the Alaska Peace Officers Association, the Anchorage Police Department Crimes Against Children Unit, victims rights groups, sex offender counselors, the Network for Domestic Violence and Sexual Assault as well as the Departments of Law, and Public Safety.

Thank you for prompt scheduling of this important bill.



Bering Sea Women's Group

February 18, 1992

Representative Fran Ulmer
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Fran,

Thank you for introducing HB 440 to the Alaska State Legislature! As a professional who has worked for many years with victims of sexual assault, both children and adults, I applaud your efforts to reduce the risk to Alaskans. You are certainly correct about behavior patterns of sex offenders and we all know that many people come to Alaska to escape constraints imposed on them in the Lower 48 states, making Alaska a place where offenders may feel free to migrate. Not only does this bill offer us all some extra protection, it also makes a statement that we will not tolerate the abuse of our people.

As Executive Director of the Bering Sea Women's Group, as a Social Worker and as a private citizen, you have my full support for the passage of this piece of legislation.

If I can be of any assistance, please do not hesitate to contact me.

Sincerely,

Candace L. Brower

Candace L. Brower, LCSW
Executive Director



Abused Women's Aid in Crisis, Inc.
100 W. 13TH AVENUE, ANCHORAGE, AK 99501 • (907) 279-9581

Heather Flynn
Executive Director

Shelter and counseling
services for women and children

Counseling services
for men



Abused Women's Aid in Crisis, Inc.

100 W. 13TH AVENUE • ANCHORAGE, AK 99501 • (907) 279-9581

24 February, 1992

Representative Fran Ulmer
Pouch V
Juneau, AK 99822

Dear Fran,

AWAIC would like to lend its support to your efforts to provide protection from sex offenders (HB 440).

It has come to our attention that more than 200 sex offenders will be released from jail in the next few years. While there is a sex offender program available to prisoners, there is no clear evidence as to its effectiveness and, further, because it is voluntary, there is no guarantee that offenders will have attended the program. The public, particularly potential victims, have little protection from sex offenders.

It is our experience that many victims of domestic violence, both adult women and children, are abused by men who have been sexually abused as children and grow up to take out their anger on women and children.

Further, like most non-profits, we rely heavily on volunteers. We need an easily accessible, inexpensive method of identifying persons who are clearly not acceptable volunteers.

Thank you for your efforts on HB 440, and your commitment to AWAIC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather", written in black ink.



A United Way Agency

February 8, 1992

Representative Fran Ulmer
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

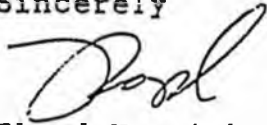
Dear Fran

I am writing in support of H.B. 440. Research tells us that sexual offenders repeat their behavior, victimizing others wherever they go. We also know that curing them is impossible and all we can do is monitor their behavior which reduces the risk of repeat acts.

This bill would help us get one step closer to monitoring or forcing these individuals to allow us to monitor their behavior and whereabouts.

Please pass this legislation on behalf of potential victims, many of whom cannot protect themselves at all.

Sincerely



Floyd H. Richmond
P. O. Box 5438
Ketchikan, Alaska 99901

cc: Representative Cheri Davis
Representative Robin Taylor
Senator Lloyd Jones

895 West 12th Street, Apt. 420
Juneau, AK 99801-1572

February 10, 1992

Honorable Fran Ulmer
Alaska State Legislature
State Capitol, Room 421
Juneau, AK 99811

Dear Fran:

Enclosed are two copies of the article I mentioned to you on the telephone this evening.

As I mentioned, when this article came out I contacted the offices of the chairpersons and co-chairpersons of the Judiciary and Health, Education and Social Services committees of both Houses.

I was pleased to learn that all said they would be interested in the article and wanted to know how to obtain copies. I do know that Senator Sturgulewski received hers when I received mine.

You will be appalled at what you read and I sincerely hope that legislation will be forthcoming regarding incest and child molestation. TOUGH AND SEVERE LEGISLATION!!

Sincerely yours,

"Edna" March

MRS. EDNA C. MARCH

Enclosures 2

Representative Fran Ulmer
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Ulmer,

During the 18 years I worked in the field of corrections, I was particularly disturbed by the prevalence of sexual abuse and assault in our society. As you know, Alaska has one of the highest rates of sexual abuse and assault in the nation.

Business and organizations which employ people to work with children need to have access to criminal history information regarding sexual and other child abuse offenses. Pedophiles often seek out employment which puts them in close proximity to children. Many cases of abuse could be prevented by ensuring that known pedophiles cannot work with children.

However, it would be my hope that some protections will be built into the system so that ex-offenders who are law abiding citizens are not subject to undue harassment.

I commend you for your continuous attention to public safety issues, particularly for women and children, and am pleased to support HB 440.

Sincerely,

Susan Humphrey-Barnett

ALASKA PEACE OFFICERS ASSOCIATION

State APOA Office • P.O. Box 240106 • Anchorage, Alaska 99524-0106 • (907) 277-0515



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Representative Fran Ulmer
Alaska House of Representatives
State Capitol Building Rm 421
Juneau, Alaska 99801-1182

Feb. 24, 1992

Subject: House Bill No. 440

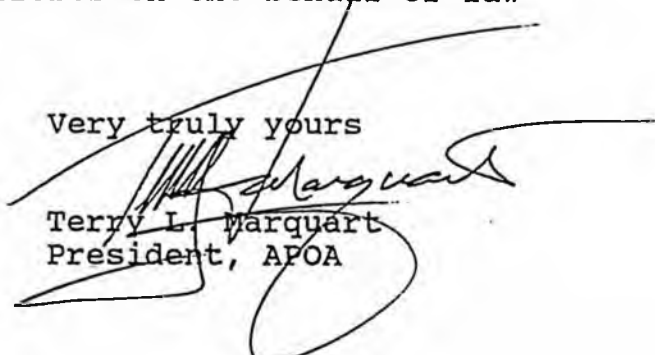
Representative Ulmer:

On behalf of the Alaska Peace Officers Association, I am pleased to tell you of our support for House Bill No. 440.

Statistics tell us that people who commit sex offenses are prone to commit these same type crimes again and again. We realize that sex offenders often travel from city to city. Currently, there is no way to force: (1) registration when a sex offender travels to a new city, (2) or to allow the release of information about sex offenders to the general public.

Law enforcement in Alaska feels that this new law will help protect the citizens of our state. We appreciate your many efforts on the behalf of law enforcement.

Very truly yours


Terry L. Marquart
President, APOA

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

NAME: DEBORAH BLOOM
TITLE:
ADDRESS: BOX 231273
CITY: ANCHORAGE ZIP: 99523
PHONE: 344-9638
BILL NO: HB 440
SUBJECT: SEX OFFENDER REGISTRATION
MESSAGE: AS A SEXUAL ASSAULT VICTIM, I BEG YOU PLEASE PASS THIS BILL. /JSM

POMID: 03110311
DATE: 92/02/05
TIME: 11:03:11
LIONAME: ANCHORAGE LIO

<u>COPIES:</u>	<u>REPRESENTATIVES</u>	<u>REPRESENTATIVES</u>	<u>SENATORS</u>
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	GONZALES	GRUENBERG	FRANK
	GRUSSENDORF	HANLEY	HALFORD
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	M.W.MILLER	MOYER	RODEY
	NAVARRE	PARNELL	SHULTZ
	G.PHILLIPS	R.PHILLIPS	STURGULEWSKI
	SHARP	TAYLOR	UEHLING
	ZAWACKI		ZHAROFF

SEX OFFENDER REGISTRATION IN WASHINGTON STATE: COMPLIANCE, 1991

FINDINGS

- Three out of every four adult sex offenders required to register in Washington State had done so as of November 1991. Overall compliance was 76 percent, up 19 percent from the compliance rate measured one year earlier during the implementation phase of the law.¹ (See Figures 1 and 2.) *Total Adults=5143, Registered=3914*
- Overall compliance for juveniles as of November 1991 was 67 percent, down 3 percent from the compliance rate measured in March 1991. (See Figures 3 and 4.) *Total Juveniles=388, Registered=259*
- The sex offender registration law was changed in 1991, shortening the timelines for registration and requiring more sex offenders to register.

CHANGES IN THE LAW

More Offenders and Shorter Timelines

The Community Protection Act required that all convicted sex offenders (adults and juveniles) released from custody or on active supervision by the Departments of Corrections and Social and Health Services on or after February 28, 1990, register with the sheriff in their county of residence. The law was amended in 1991 to require registration of all sex offenders who were under the jurisdiction of the Indeterminate Sentencing Review Board on the date of the original law.

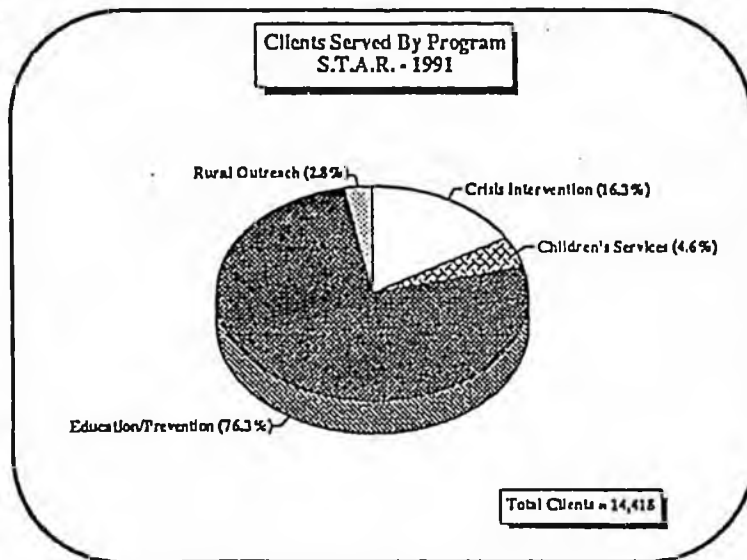
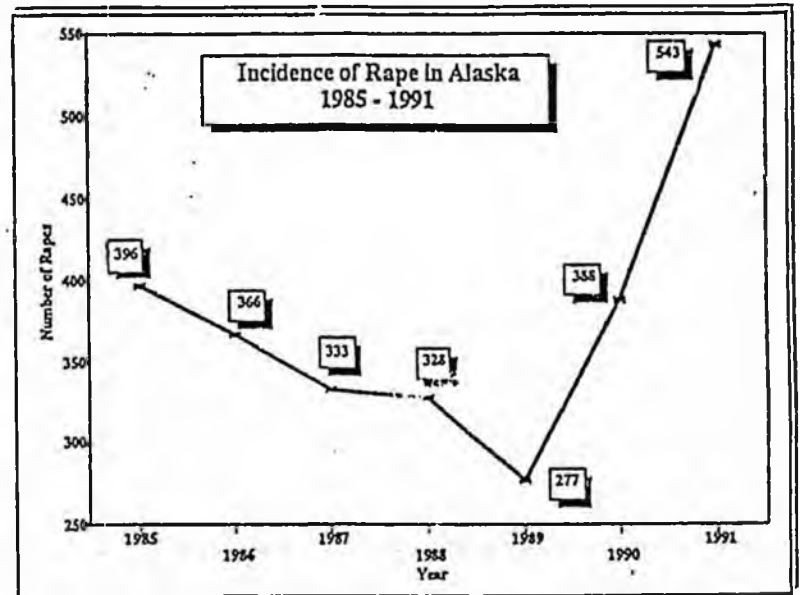
Previously, convicted sex offenders had 30 days to register following release, or sentencing if not confined. Amendments to the law in 1991 reduced this time to 24 hours for those released from confinement, and required immediate registration of those sentenced and not confined. Also, the number of days has been reduced from 45 to 30 for sex offenders moving or returning to Washington State. These changes went into effect on July 1, 1991.

¹ For background on the registration law, previous findings, and methodology, see "Adult Sex Offender Registration in Washington State: Initial Compliance, 1990," and "Juvenile Sex Offender Registration in Washington State: Implementation and Initial Compliance 1991" (Felver with Lieb). This paper uses the same methodology and sources of information as the two earlier studies. Contact the Institute for Public Policy for copies.

1991 Brought a Dramatic Increase in the Need and Demand for Sexual Assault/Abuse Services

Sexual Assault

- ★ In 1990, Alaska experienced a 40% increase in sexual assaults.
- ★ In Anchorage, the rate at which women, children and men were raped increased by 57% between January, 1990 and July, 1991
- ★ The consequent demand for counseling, accompaniments, education/prevention, and advocacy services at S.T.A.R. increased by 189% between July and October, 1991.
- ★ Alaska's sexual assault rate is the second highest in the nation, with a woman, child or man being sexually assaulted every 21 hours.



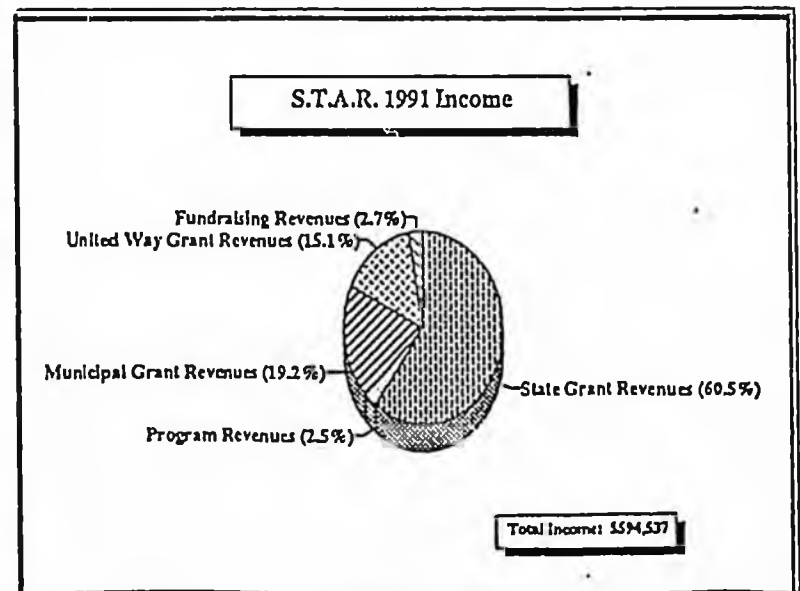
Child Sexual Abuse:

- ★ Alaska leads the nation in the rate of child sexual abuse - the rate of abuse in our state is 6 times the national average.
- ★ In 1990, 1305 children were sexually abused in Alaska.
- ★ In the first quarter of 1991, the Department of Family and Youth Services reported 160 incidents of child sexual abuse in Anchorage. This represents a 20% increase over the same period in 1990.
- ★ One (1) out of every 6 children in Anchorage is sexually abused.

- ★ For the first time in S.T.A.R.'s history, there are waiting lists for up to six (6) weeks for adult and child clients to be seen by staff counselors.
- ★ S.T.A.R. is recognized throughout Alaska as the primary sexual assault agency. S.T.A.R. educators train professionals and para-professionals in Anchorage and throughout the state.

Reduction in Funding Support

- ★ The combined funding cuts received by S.T.A.R. in 1991 and 1992 totaled \$148,000. These cuts forced S.T.A.R. to eliminate 5 staff positions (two education/prevention staff and three client services/counseling staff) during a period of escalating need and demand for services.



February 4, 1992, All-Alaska Weekly.

Hearing set for molester

BETHEL—A public hearing before a state professional board is set for convicted child molester John Hawkins, Ph.D, who seeking his license to practice as a psychologist, according to *The Tundra Drums*.

The Board of Psychologist and Psychological Associate Examiners will hear the re-licensing case in Bethel February 17. The hearing was originally scheduled for last November in Anchorage.

Hawkins, 72, had his psychologist's license revoked following a 1984 conviction of sexually abusing a 13-year old girl. He spent two years in prison and underwent several years of court-ordered sex offender treatment.

Prior to his conviction, Hawkins was a clinical psychologist for the Yukon-Kuskokwim Health Corporation and the Lower Kuskokwim School District.

This is Hawkins' second attempt to get his license back. He was denied it by the board in 1989.

Hawkins' public statements about child-molestation have been controversial.

Editorial

Fair warning 12/84

A recent sentence by Superior Court Judge Thomas Schulz should be fair warning to child abusers. Like rape, people are now more inclined to report cases of sexual abuse of children, prosecutors are more likely to take the cases to court and judges aren't afraid to impose strict sentencing. A Ketchikan man was recently sentenced by Schulz to 19 years in jail for sexual abuse of a minor. That term will be added to a five-year sentence the man is already serving for the same charge.

Nineteen years sounds like a stiff penalty, but in some cases it doesn't approach justice. In this case, the man had a prior conviction from Washington state. Despite that, his wife obtained a state license for a child care facility in Ketchikan — where the man abused an 8-year-old boy. While awaiting sentencing on that charge, he sexually abused still another child.

One could argue that justice has been served. The mother of the 8-year-old sued the state and collected about \$1.5 million for her claims that the state was negligent in not warning child care clients of the man's tendencies and for not revoking the child care license. And the man has now been sentenced on both charges.

But the sad part of the story is that a convicted abuser was able to go as far as he did. There were just enough cracks in the system to let him through. And there are still more cracks available, depending on probation.

But people's perceptions of child abuse are changing. Just a few years ago, rape victims were the ones who felt guilty of a crime. Now people are beginning to acknowledge that it's the perpetrator, not the victim, who deserves the scrutiny. As that perception changed, women became more likely to report rapes and pursue convictions.

The same thing is happening with child abuse. People, including family members, are more willing to admit that it's the children, not the adult perpetrator, who are the victims. In some cases, treatment for the offender may help solve the problem. In other cases, stiff sentencing is the only answer.

Public reporting on child abuse cases is another factor that can help stem its growth. If abusers know they face criminal prosecution, they should also know that their name will appear in public.

But more important than shaming the criminal, public information about child abuse can help people understand and come to terms with it. As each child abuse case is reported, it serves as an example to someone else who might be living with it — and thinking they're alone with it.

Unfortunately, public scrutiny might embarrass the... as well. We're confident that will change. The first step is under

Ketchikan Daily News 12/84

HB440

SENATE FINANCE COMMITTEE REPORT

DATE: 5/1/92

FURTHER:

DATE TURNED INTO OFFICE: 5/11/92

The Finance Committee considered CS FOR HOUSE BILL NO. 440 (FINANCE) am

"An Act relating to registration of sex offenders and amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

and recommends:

- replace with 3 CS ~~CS 440~~ CSHB 440 (FINANCE)
or adopt previous _____ CS _____
 attaches amendment(s)

- same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

5-11-92

JCS (Fix) coming

- do pass
 do not pass
 no recommendation
 individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes DNA-DPA 2/21/92
DOA-PA 2/25/92
DPA 2/24/92
 fiscal notes DPS 89.6 5-11-92

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes DNA-DPA 2-21-92
DOA-PD 2-21-92
T.D. Law 2-28-92 DOC 2-24-92
 fiscal notes _____

appropriation--no fiscal note

DO PASS:

[Signature]

OTHER RECOMMENDATIONS:

1. *[Signature]*
Co-Chair: Signature/Recommendation

2. _____
Co-Chair: Signature/Recommendation

Revision Date: _____ Department Affected: Department of Corrections
 Title: "An Act relating to registra- BRU: Statewide Operations
tion...of sex offenders..." Component: Various
 Sponsor: Rep. Ulmer
 Requestor: House Judiciary COMPONENT SERIAL NO.

--	--	--	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached fiscal analysis.

Prepared By: Diane Schenker, Legislative Liaison Phone: 465-3376
 Division: Office of the Commissioner Date: 02/24/92
 Approved by Commissioner: Lloyd James, Commissioner
 Agency: Department of Corrections Date: 02/24/92

CONTINUATION OF FISCAL ANALYSIS

BILL: CS HB 440(juo) "An Act relating to registration and community notification of sex offenders and amending Alaska Rule of Criminal Procedure 32 (b)."

The bill requires the Department of Corrections to provide notification of a sex offender's release, parole, community placement, work release placement, furlough, or escape to the police in the community in which the offender will reside and to the Alaska State Trooper post nearest to where the offender will reside. The notice must be given at least 10 days prior to release. In the case of escape, notice must be given immediately.

The bill also requires the Department of Corrections to provide written notification to sex offenders of the registration requirements at the time of release from confinement, including receipt and retention of a signed acknowledgement. The Department would also be required to give written notice of the registration requirements to a sex offender placed under the Department's authority through the Interstate Corrections Compact.

Projected release dates of sex offenders currently incarcerated are as follows:

<u>Time Period</u>	<u>Number of Sex Offenders Released</u>
01/01/92 - 12/31/92	52
" 93 - " 93	100
" 94 - " 94	50
" 95 - " 95	54
" 96 - " 96	37

The number of sex offender cases under the Interstate Compact are as follows:

01/01/90 - 12/31/90	38
" 91 - " 91	27

Based on an average of the above-listed cases, approximately 51 sex offenders would require notification per year, or slightly over four per month. This duty can be absorbed without additional staff, since various paperwork must be completed at the time of release for each offender anyway. These sections will require revision of Department Policies and Procedures. This task can be absorbed by the staff who are currently assigned to revise such policies on an on-going basis. Therefor, no fiscal impact is expected due to these requirements.

The bill would also make it a Class B Misdemeanor for a sex offender to knowingly fail to register as required. Information regarding a similar sex offender registration requirement in Washington state suggests that about 76% of the sex offenders comply with the registration requirement. Assuming that approximately 50 sex offenders are released and required to register each year, a 24% failure rate would make 12 offenders eligible for a Class B misdemeanor each year.

In 1983 the Alaska Judicial Council studied a sample of 1795 misdemeanor cases to determine sentencing patterns. Approximately 29% were sentenced to some incarceration, other than concurrent sentences involving other charges. This would suggest that only 30% of 12 offenders would be likely to be sentenced to incarceration for this offense, or less than four offenders per year. Information on the length of sentence is not available. It is assumed that four misdemeanants per year requiring some period of incarceration would not have significant fiscal impact on the Department and could probably be absorbed through the use of existing community residential center beds.

However, since this bill would criminalize a behavior which is currently not illegal in Alaska, it must be recognized that the above estimates are speculative. Should the noncompliance rates be greater in Alaska, or should sentencing for these Class B misdemeanors result in frequent or lengthy (up to one year) incarcerations, one long term effect of this bill may be to accelerate the pace at which the Department of Corrections moves toward the need to expand prison space through construction of new facilities, with associated increases in operating costs.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 5-12-92

No. 6
Bill Version: CSHB 440 (FIN)
(H) Publish Date: 3-20-92

Revision Date: February 28, 1992
Title: "...registration by and community
notification of sex offenders..."
Sponsor: Representative Ulmer
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Prosecution, Legal Services
Component: Prosecution - All
Legal Services - Operations
COMPONENT SERIAL

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

85 through 91, 93

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: February 28, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: February 28, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 440 (FIN)

The Judiciary Committee work draft substitute for HB 440, dated February 21, 1992, eliminates the primary concern expressed in the Department of Law's February 24 fiscal note, because it does away with the requirement that sex offenders petition the court to be relieved of the duty to register. The substitute version of the bill sets term-certain periods that a sex offender must be registered, instead. In the case of a sex offender's unconditional discharge for a conviction of a sex offense for an unclassified, class A or class B felony, the period would be 10 years. The registration period for a person convicted of a lesser sex offense would be 5 years, after a sex offender's unconditional discharge. This change eliminates the requirement for district attorneys to serve as respondents for petitions to terminate registration, as this process would no longer be required. Consequently, there will not be a fiscal impact for the Department of Law.

5-12-92

Revision Date: _____

Department Affected: Administration

Title: An Act relating to registration and community notification of sex offenders and amending Alaska Rule of Criminal Procedure 32(b).

BRU: Office of Public Advocacy

Component: Office of Public Advocacy

Sponsor: Ulmer

COMPONENT SERIAL NO.

		4	3
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Requestor: House Judiciary

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: February 10, 1992

Approved by Commissioner: Nancy Bear Usery
Agency: Administration

Date: 2/21/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Revision Date: _____

Department Affected: Administration

Title: Sex Offender Registration

BRU: Public Defender

Component: Public Defender

Sponsor: Ulmer

Requestor: House Judiciary

COMPONENT SERIAL NO.

1	6	3	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Kevin Brooks
Division: Administrative Services

Phone: 465-2277
Date: February 21, 1992

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 2/21/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 5-12-92

BILL NO. CSHB 440(FIN)am

Revision Date: 5/11/92 Department Affected: Public Safety

Title: "An Act relating to registration
of sex offenders." BRU: Alaska State Troopers

Component: Criminal Investigation Bureau

Sponsor: Representative Ulmer

Requestor: Senate Finance

COMPONENT SERIAL NO.

8	3	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	39.1	39.1	39.1	39.1	39.1	39.1
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	36.1	2.1	2.1	2.1	2.1	2.1
SUPPLIES	2.6	2.6	2.6	2.6	2.6	2.6
EQUIPMENT	11.8					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	89.6	43.8	43.8	43.8	43.8	43.8

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	58.6	32.8	32.8	32.8	32.8	32.8
FEDERAL FUNDS						
OTHER (Prog. Rec.)	31.0	11.0	11.0	11.0	11.0	11.0
FUND SOURCE: 1005						
TOTAL	89.6	43.8	43.8	43.8	43.8	43.8

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year impact: FY93

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691

Division: Alaska State Troopers Date: 5/11/92

Approved by Commissioner: Richard L. Burton

Agency: Department of Public Safety Date: 5/11/92

Handwritten:
5/11/92

Handwritten signature:
R.L.B.

CSHB 440 (FIN)am establishes a sex offender registry within the Department of Public Safety. The bill requires State Troopers to take the photographs and fingerprints of sexual offenders and to maintain a central repository of sex offender information.

The Criminal Investigation Bureau (CIB), Sex Crimes Unit, estimates that there are approximately 200 persons convicted of sex crimes annually. This is supported by data provided by the Department of Corrections, indicating that over the past eight years the average of new inmates sentenced for sex crimes is 193 per year. The majority of these offenders are sentenced to serve at least some time in prison, and would be subject to registration upon release from a correctional facility. The Department of Corrections estimates that approximately 50 sex offenders per year are released from custody, with another approximately 30 sex offenders a year transferring to Alaska under the Interstate Compact. Adding to those convicted offenders who are not incarcerated, the Department estimates that between 150-200 offenders a year will have to register.

Under Section 12 of the bill the registration requirement will be applied retroactively to all convicted sex offenders who meet the terms of the bill and who are present in Alaska at the time the bill becomes law. It is difficult to estimate the number of such offenders, but estimates from the Department of Corrections and the Department of Law indicate that around 1,000 offenders would have to register immediately after the bill becomes law.

Because failure to register is a crime, it is essential that there be some notice to the public of the registration requirements if this bill is adopted. First year costs include \$10,000 in contractual costs to pay for the posters required under Section 6 of the bill and for a handful of notices to be placed in newspapers around the state.

With some programming additions and data storage expansion, the DPS Information Systems section anticipates that the Alaska Public Safety Information Network (APSIN) can be adapted to meet the "Central Repository" requirements of this legislation. This will involve creating a new subsystem in APSIN which can take advantage of information already available on convicted offenders. The collection of fingerprints will become part of the Alaska Automated Fingerprint Identification System (AAFIS) and APSIN. Information on these sex offenders will then be available to Criminal Justice Terminals throughout the state who are authorized to receive such information. Special applications will be developed to supply the public information authorized, yet retain confidential data. The cost of designing, coding, testing, installing, and documenting this application will be \$20,000. Computer resources (CPU costs, Disk storage costs, etc.) necessary to develop the application will cost \$4,000. Permanent disk usage will cost \$1,000 for the first year and every year thereafter. This will handle an initial database of

approximately 1000 offenders, a. capable of expanding yearly by an additional 200 offenders.

To deal with the additional tasks necessary to implement this legislation, including data entry for new felons added to the system (which will involve updating APSIN with release, probation and escape information), entry and dissemination of information, and the processing of the fingerprint cards generated through the registration requirement, a Clerk IV position is needed in the Sex Crimes Unit of the Criminal Investigation Bureau.

This position will provide a point of contact for all information regarding the registration of convicted sex offenders for all state and local law enforcement agencies. This will involve interaction with the Department of Corrections, Department of Law, Alaska Court System and local law enforcement agencies. This position will also respond to all requests for information from the public.

CSHB 440(FIN)am calls for all AST posts to be available to take sex offenders' fingerprints and photographs. Since not all AST posts are currently equipped with adequate cameras, this requirement will necessitate some purchases of new cameras (\$2,500) to assure sufficient photograph quality. Ongoing costs for fingerprint cards are included with the supplies requirements for the Clerk IV.

The following is a summary of the costs that are anticipated to be incurred during the first year of operations under this legislation:

	<u>Equipment & Public Notice</u>	<u>Computer Programming</u>	<u>Clerk IV</u>	<u>Total</u>
Personal Services	\$ -	\$ -	\$39.1	\$ 39.1
Contractual	10.0	24.0	2.1	36.1
Supplies	-	-	2.6	2.6
Equipment	<u>11.8</u>	<u>-</u>	<u>-</u>	<u>11.8</u>
Total	\$21.8	\$24.0	\$43.8	\$ 89.6

Costs not included after the first year in operation are the equipment costs (\$11.8), costs of public notice (10.0), and the initial programming effort and storage space expansion (\$24.0).

PERSONAL SERVICES

Salary - Clerk IV - Range 9, Step A, including 120 hours of overtime	\$25,726	
Benefits	<u>13,399</u>	
Total Personal Services		\$39,125

CONTRACTUAL

Printing of Posters and Public Notices	10,000	
Telephone/Postage, \$50 per mo	600	
Repair and maintenance on micro computer	500	
Contracted Programming and data storage space	<u>25,000</u>	
Total Contractual		36,100

SUPPLIES & MATERIALS

Film	500	
Registration forms	1,000	
Stationary, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT

Desk	500	
Chair	225	
Computer table	600	
Cameras 35mm (x10)	2,500	
Micro computer with printer	<u>8,000</u>	
Total Equipment		11,825

TOTAL COST \$89,650

The present version of the bill authorizes the Department of Public Safety to adopt fees to implement this program. It is very difficult to estimate the revenue that would be generated by these fees. If offenders were to be charged \$20.00 each for initial registration, and persons seeking information from the central registry are charged a fee of \$5.00, the revenue that would be raised is estimated as follows:

FY 93	1,250 offenders	1,200 inquiries
	x <u>20</u> fee	x <u>5</u>
	25,000	6,000

FY 94 & beyond	250 offenders	1,200 inquiries
	x <u>20</u> fee	x <u>5</u>
	5,000	6,000

Position Title Clerk IV		Number of Positions 1	Range/Step 9/A	Bargaining Unit ASEA	
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 99		
Type of Expenditure		Justification			
Amount		<p>This position will be responsible for updating APSIN (Alaska Public Safety Information Network) with release, probation and escape information; entry and dissemination of the information and the processing of the fingerprint cards generated through the registration requirement. Tasks associated with the fingerprint card processing are monitoring receipt of the anticipated cards, reviewing the cards for accuracy and completeness, preparing the cards for AAFIS (Alaska Automated Fingerprint information System) processing and maintaining the fingerprint card file.</p> <p>The position will act as the point of contact for all information regarding the registration of convicted sex offenders for all the state and local law enforcement agencies. This individual will file all information and photographs after receiving it from the trooper posts. Additionally, this will involve interaction with the Department of Corrections, the Department of Health and Social Services, Department of Law, and the Alaska Court System.</p>			
1	2				3
Salary*	25.7				
Benefits*	13.4				
Premium Pay (Included in Above)					
Other					
Total Personal Services					39.1
Travel					
Contractual					2.1
Commodities					2.6
Equipment					
Other					
Total Cost		43.8			
Funding Source For Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1001	43.8			
Program Receipts/GF	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
* Personal Services Salary and Benefits Costs are from PACS Scenario #8. Position 12-#132.					

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

FY 93

BRU Alaska State Troopers

Page 5 of 5

COMPONENT Criminal Investigation Bureau

Revised Date

SENATE CS FOR CS FOR HOUSE BILL NO. 440 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/12/92

Referred: Rules

Sponsor(s): REPRESENTATIVES ULMER, Barnes, Bruckman, B.Davis, C.Davis, M.A.Miller, G.Phillips, R.Phillips, Donley, Brown, MacLean, Lincoln, Parnell, Leman, Taylor, Baker, Hanley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration of sex offenders and amending Alaska Rules of Criminal

2 Procedure 11(c) and 32(b)."

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

4 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

5 (1) sex offenders pose a high risk of reoffending after release from custody;

6 (2) protecting the public from sex offenders is a primary governmental interest;

7 (3) the privacy interests of persons convicted of sex offenses are less important than the
8 government's interest in public safety; and

9 (4) release of certain information about sex offenders to public agencies and the general
10 public will assist in protecting the public safety.

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

12 Sec. 11.41.465. FAILURE TO REGISTER AS A SEX OFFENDER. A person who
13 knowingly fails to register as required in AS 12.63.010 is guilty of a class B misdemeanor.

14 * Sec. 3. AS 12.55 is amended by adding a new section to read:

1 Sec. 12.55.148. JUDGMENT FOR SEX OFFENSES. When a defendant is convicted of
2 a sex offense by a court of this state, the written judgment must set out the registration
3 requirements of AS 12.63.010.

4 * Sec. 4. AS 12 is amended by adding a new chapter to read:

5 CHAPTER 63. REGISTRATION OF SEX OFFENDERS.

6 Sec. 12.63.010. REGISTRATION OF SEX OFFENDERS. (a) Except as provided in (d)
7 of this section, a sex offender who is physically present in the state shall register as provided in
8 this section. The sex offender shall register within

9 (1) 30 days of release from a state correctional facility;

10 (2) 30 days of conviction for a sex offense, if the sex offender is not sentenced
11 to a term of incarceration; or

12 (3) 45 days of becoming physically present in the state.

13 (b) A sex offender required to register under (a) of this section shall register in person
14 at the Alaska state trooper post located nearest to where the sex offender resides at the time of
15 registration. To fulfill the registration requirement, the sex offender shall

16 (1) complete a registration form that includes the sex offender's name, address,
17 place of employment, date of birth, crime for which convicted, date of conviction, place and
18 court of conviction, all aliases used, and Alaska driver's license number;

19 (2) allow the Alaska state troopers to take a complete set of the sex offender's
20 fingerprints; and

21 (3) allow the Alaska state troopers to take the sex offender's photograph.

22 (c) If a sex offender changes residence within the state after having registered under (a)
23 of this section, the sex offender shall provide written notice of the change to the Alaska state
24 trooper post located nearest to the new residence within 10 days of the change.

25 (d) The commissioner of public safety shall by regulation establish longer periods of time
26 than those required under (a) of this section for the registration of sex offenders residing in
27 remote locations. A sex offender residing in a remote location shall notify the Alaska state
28 troopers of the sex offender's address within the appropriate period set out under (a) of this
29 section for registration.

30 Sec. 12.63.020. TERMINATION OF SEX OFFENDER DUTY TO REGISTER. (a) The
31 duty of a sex offender to register under AS 12.63.010 ends

1 (1) 10 years following the sex offender's unconditional discharge from a
2 conviction for an unclassified, class A, or class B felony sex offense;

3 (2) five years following the sex offender's unconditional discharge from a
4 conviction for a class C felony, a class A misdemeanor, or a class B misdemeanor sex offense.

5 (b) The termination date of the duty to register, as provided in (a) of this section, is
6 based on the most serious class of sex offense for which the sex offender was convicted.

7 Sec. 12.63.100. DEFINITIONS. In this chapter,

8 (1) "sex offender" means a person convicted of a sex offense in this state or
9 another jurisdiction regardless of whether the conviction occurred before, after, or on the effective
10 date of this section;

11 (2) "sex offense" means a crime under AS 11.41.410 - 11.41.455 or a similar law
12 in another jurisdiction;

13 (3) "unconditional discharge" has the meaning given in AS 12.55.185.

14 * Sec. 5. AS 18.65 is amended by adding a new section to read:

15 Sec. 18.65.087. CENTRAL REGISTRY OF SEX OFFENDERS. (a) The Alaska state
16 troopers shall maintain a central registry of sex offenders required to register under AS 12.63.010
17 and shall adopt regulations necessary to carry out the purposes of this section and AS 12.63. A
18 post of the Alaska state troopers that receives information and fingerprints under AS 12.63.010
19 shall forward the information and fingerprints within five working days of receipt to the central
20 registry of sex offenders.

21 (b) Information about a sex offender that is contained in the central registry, including
22 sets of fingerprints, is confidential and not subject to public disclosure except as to the sex
23 offender's name, address, place of employment, date of birth, crime for which convicted, date
24 of conviction, place and court of conviction, and length of sentence.

25 (c) The Department of Public Safety may adopt regulations to establish fees to be
26 charged for registration under AS 12.63.010 and for information requests.

27 * Sec. 6. AS 28.05 is amended by adding a new section to read:

28 Sec. 28.05.048. SEX OFFENDER REGISTRATION. The department shall display notice
29 of the registration requirements of AS 12.63.010 at a place where the public may apply for a
30 driver's license, identification card, or vehicle registration.

31 * Sec. 7. AS 33.30 is amended by adding a new section to read:

1 Sec. 33.30.012. NOTICE OF RELEASE, PAROLE, COMMUNITY PLACEMENT,
2 WORK RELEASE PLACEMENT, FURLOUGH, OR ESCAPE OF SEX OFFENDER. (a) At
3 the earliest possible date, and in no event later than 10 days before release, the commissioner
4 shall send written notice of release, parole, community placement, work release placement or
5 furlough of a specific inmate convicted of a sex offense to:

6 (1) the chief of police of the community, if any, in which the inmate will reside;
7 and

8 (2) the Alaska state trooper post located nearest to where the inmate will reside.

9 (b) If an inmate convicted of a sex offense escapes from a correctional facility, the
10 commissioner shall immediately notify the chief of police of the community and Alaska state
11 trooper post located closest to where the inmate resided immediately before the inmate's arrest
12 and conviction.

13 * Sec. 8. AS 33.30 is amended by adding a new section to read:

14 Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION REQUIREMENT.

15 (a) The department shall provide written notice to a sex offender of the
16 registration requirements of AS 12.63.010, and shall obtain a signed
17 acknowledgement of receipt of notice from the sex offender

18 (1) at the time of the sex offender's release from a state correctional facility;

19 (2) immediately after taking supervision of a sex offender under the Interstate
20 Corrections Compact or AS 33.36.110.

21 (b) The department shall annually provide notice to all states, territories, and
22 possessions of the United States of the requirements for sex offender registration in this
23 state.

24 * Sec. 9. AS 33.30.901 is amended by adding a new paragraph to read:

25 (14) "sex offender" has the meaning given in AS 12.63.100.

26 * Sec. 10. Alaska Rule of Criminal Procedure 11(c) is amended to read:

27 (c) PLEAS OF GUILTY OR NOLO CONTENDERE. The court shall not accept a plea
28 of guilty or nolo contendere from a defendant without first addressing the defendant personally
29 and

30 (1) determining that the defendant [HE] understands the nature of the charge;

31 and

1 (2) informing the defendant [HIM] that by the [HIS] plea of guilty or nolo
2 contendere the defendant [HE] waives the [HIS] right to trial by jury or trial by a judge and the
3 right to be confronted with the witnesses against the defendant [HIM]; [AND]

4 (3) informing the defendant [HIM]:

5 (i) of the mandatory minimum punishment, if any, and the
6 maximum possible punishment provided by the statute defining the offense to
7 which the plea is offered, and

8 (ii) that the defendant has the right to plead not guilty or to persist
9 in that plea if it has already been made, or to plead guilty; and

10 (4) if the defendant is charged with a sex offense as defined in AS 12.63.100,
11 informing the defendant in writing of the registration requirement under AS 12.63.010.

12 * Sec. 11. The provisions of AS 12.55.148, added by sec. 3 of this Act, have the effect of changing
13 Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment containing notification
14 of the duty to register under AS 12.63.010 be provided to a defendant convicted of a sex offense.

15 * Sec. 12. APPLICABILITY. A sex offender whose most recent conviction for a sex offense
16 occurred before the effective date of this Act shall register under AS 12.63.010, added by sec. 4 of this
17 Act, before January 1, 1993. In this section, "sex offender" and "sex offense" have the meanings given
18 by AS 12.63.100, added by sec. 4 of this Act.

19 * Sec. 13. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 11 of this Act receives
20 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
21 Alaska.