

**ALASKA LEGISLATURE**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994**

**956**

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

### DIVISION OF ELECTIONS

- Region I Elections Office
- Region II Elections Office
- Region III Elections Office
- Region IV Elections Office

June 21, 1992

Shelby Stastny, Director  
Office of Management and Budget  
5th Floor  
Dimond Courthouse  
Juneau, AK 99811

Dear Mr. Stastny:

Thank you for attending the meeting in Lieutenant Governor Coghill's office on June 19th regarding the overall status of the financial and administrative aspects of the forthcoming State Primary Election on September 8, 1992.

This letter confirms the key elements of the discussion.

We agreed the FY92/FY93 appropriation of 3.7 million dollars to the Division of Elections was not intended to include the costs incurred to accomplish and fully implement the effects of the reapportionment.

Accordingly, our estimate of additional financial need for FY92/FY93 is 1.6 million, a conservative evaluation based on the factors experienced to date by the Division.

Lastly, I am relieved to learn from you our current appropriation, as well as the FY92/FY93 allocations are not budgeted by election functions but rather represent a total allocation for all election related functions directed and or supervised by my office. Bruce Botello, Assistant Attorney General, concurs with this statement.

With respect to availability of financial resources for the 1992 election cycle, we were disappointed in not receiving additional fund allocations during the most recent special session of the Legislature. Notwithstanding our disappointment, we are satisfied that we can proceed with our election responsibilities now that Bruce Botello informed us, at our meeting, that funding can be ordered by the Court to be available for Division of Elections by the State of Alaska when our shortfall occurs this fall.

In an effort to conserve resources, given the fact the critical path assumptions presented to the court were ignored, several decisions on managing the 1992 Primary and General Elections have been altered to meet the resources made available to the Division.

Region I Elections Office  
240 Main Street, 4th floor  
P.O. Box 110018  
Juneau, Alaska 99811-0018  
(907) 465-3021  
6-5 (1992)

Region II Elections Office  
800 E. Dimond Boulevard, Suite 3-580  
Anchorage, Alaska 99515-2045  
(907) 522-8683

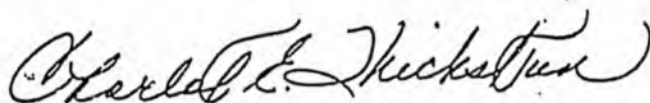
Region III Elections Office  
675 7th Avenue, Station H  
Fairbanks, Alaska 99701-4594  
(907) 451-2835

Region IV Elections Office  
Alaska State Office Building  
P.O. Box 577  
Nome, Alaska 99762-0577  
(907) 443-5285

Shelby Stastny  
Office of Management and Budget  
June 21, 1992  
Page 2

In summary, it has been determined and agreed we will go forward and hold the Primary Election on September 8, 1992 and the General Election on November 3, 1992. It is also agreed, we will attempt to have the REAA/CRSA elections suspended until the first part of 1993. Further, the Division will work closely with you to achieve cost savings whenever possible. Your consideration of our position is noted and appreciated.

Sincerely,



Charlot E. Thickstun  
Director

cc: Lieutenant Governor Coghill ✓  
Charles E. Cole, Attorney General  
Bruce Botello, Assistant Attorney General

CET/cj

# MEMORANDUM

State of Alaska  
Department of Law

TO: Charlot Thickstun  
Director  
Division of Elections

DATE: July 21, 1992

FILE NO.:

TEL. NO.: 465-3600

SUBJECT: Funding - Division of  
Elections

*Bmk*  
FROM: Bruce M. Botelho  
Deputy Attorney General

I have had an opportunity only recently to review carefully your letter of June 21, 1992 to Shelby Stastny, Director of the Office of Management and Budget, respecting funding for the division of elections.

There is one aspect of the letter that should be clarified: court-ordered appropriations from the state treasury. I indicated in the meeting that, under extraordinary circumstances, courts have ordered monies from a state's treasury to cover expenses incurred in complying with other court orders. These circumstances have most frequently arisen in the context of prisoner lawsuits on jail conditions. The parallel to our current situation is clear: if the division of elections were forced to shut down before it conducted either the September 8 or November 3 election because it had expended its available funding and no other source were available, relief could be sought from the superior court.

I do not recommend this strategy because it would set a bad precedent in Alaska. Instead, it should be regarded as a last resort.

cc: Shelby Stastny  
Lt. Governor Coghill


STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS  
P.O. BOX AF  
JUNEAU, ALASKA 99811-0105  
PHONE (907) 465-4611

MEMORANDUM

TO: Charles E. Cole  
Attorney General

FROM: Charlot E. Thickstum   
Director

DATE: 7 December 1992

SUBJECT: 1993 REAA/CRSA Election Process

*Recently we have been in contact with Neil Slotnick and Barbara Blasco in regard to the court postponed 1992 REAA/CRSA elections rescheduled to take place on March 2, 1993.*

*We have been contacted by Howard Trickey and Kent Durand, attorneys representing the school districts who favor eliminating the March election and having the regularly scheduled REAA/CRSA elections October 5, 1993.*

*We do not seek to disenfranchise the rural voters of their right to select school board members in a timely manner. We do, however, have a concern as to how the Division of Elections is going to facilitate the March election monetarily.*

*The last REAA/CRSA election cost in excess of \$88,000 to perform. The Division of Elections is not in a position to accomplish the REAA/CRSA election in March. Work must begin immediately but there are no funds.*

*When there is no money to do what we are statutorily mandated to do, where do the funds come from to hold the REAA/CRSA election in order not to disenfranchise the voters in these jurisdictions? As you are aware, these are often minority areas the Department of Justice would censure the State of Alaska for disenfranchising.*

*Please find enclosed the latest information regarding the financial status of the Division of Elections. I will await your advice on how to proceed.*

cc: Lt. Governor John B. Coghill  
cc: Deputy Attorney General Bruce M. Botelho  
cc: Shelby Stastny, Director, OMB

# MEMORANDUM

State of Alaska

Department of Law

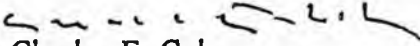
TO: Charlot Thickstun  
Director, Division of Elections

DATE: December 8, 1992

FILE:

TEL.NO.: 465-3600

SUBJECT: 1993 REAA/CRSA Elections

FROM:   
Charles E. Cole  
Attorney General

I have reviewed your memorandum of December 7. I appreciate your concern about financing the March 2, 1993 REAA and CRSA elections. I also appreciate your concern about potentially disenfranchising voters: under the law, the elections must be held as scheduled, and the state must make every possible effort to conduct a valid election. Accordingly, the state will oppose the Alaska Association of School Boards' pending motion to postpone the REAA/CRSA elections.

I have been informed that there are two potential obstacles to conducting timely elections: the need to update voter registers and the lack of funds to physically conduct the election. I understand that the division of elections is currently addressing the question of how to update voter registers in REAAs and CRSAs with existing personnel. I further understand that, while this task will be difficult, the division expects to be able to complete it under the current budgetary constraints.

As you have pointed out, however, the division will require a supplemental appropriation of approximately \$90,000 in order to actually administer the March 3 elections. In my view, the division should submit a single item supplemental appropriation request for the funds necessary to conduct the elections. If passed immediately, funding will be available in time to conduct the elections.

The appropriation bill for funding the REAA/CRSA elections must remain entirely separate from the division's request for supplemental operating funds. The legislature must be made aware that without this specific funding the elections cannot occur.

I will instruct my staff to assist the division in preparation of the separate supplemental appropriation for REAA/CRSA elections. If I can be of further assistance in this matter, please contact me.

cc: Lt. Gov. John B. (Jack) Coghill  
Don Harris, Lt. Governor Chief of Staff  
Michael Nizich, Director, Administrative Services  
Shelby Stastny, Director, Office of Management and Budget

CEC:SCS

ELECTIONS DIVISION FUNDING HISTORY

	FY91 Actual	FY92 Actual	FY93 Auth	FY94 Governor
Elective Operations				
Elections	1,428.8	1,803.1	1,646.6	1,646.8
General & Primary Elections	1,807.9	477.3	2,105.6	307.8
Elections Data Processing	178.2	105.7	0.0	0.0
BRU Total	3,414.9	2,386.1	3,752.2	1,954.6

	FY91 Actual	FY92 Actual	FY93 Projected	FY93 Supplemental
REAA Election Costs				
Election Workers	53.2	52.7	52.3	52.3
Telephone, Freight, Express	0.4	0.1	0.2	0.2
Advertising	16.7	23.9	23.5	23.5
Printing & Binding	7.6	8.0	7.9	7.9
Polling Place Rental	2.9	3.3	3.3	3.3
Supplies		0.4	2.8	2.8
Total--REAA	80.8	88.4	90.0	90.0

**HB**

**68**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/3/93

FURTHER:

DATE TURNED INTO OFFICE: 2-10-93

The Finance Committee considered CS FOR HOUSE BILL NO. 68(FIN)

"An Act making a supplemental appropriation for certain elections for regional educational attendance area school boards and coastal resource service area boards; and providing for an effective date."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (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 \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

*Tim Kelly*  
*Steve P...*  
*Bob...*

OTHER RECOMMENDATIONS:

*do not pass*

1. *Do not do pass*  
 Co-Chair: Signature/Recommendation

2. *True Peace - Notec*  
 Co-Chair: Signature/Recommendation

Back-up



BILL: SB 48      SHORT TITLE: APPROP: SUPPLEMENTAL FOR ELECTIONS  
BILL VERSION:  
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

CURRENT STATUS: (S) FIN  
                  THEN RLS

STATUS DATE: 01/27/93

TITLE: "An Act making a supplemental appropriation for certain elections for regional educational attendance area school boards and coastal resource service area boards; and providing for an effective date."

01/15/93		(S)	READ THE FIRST TIME - REFERRAL(S)
01/15/93	72	(S)	CRA, HES, THEN FINANCE
01/15/93	73	(S)	GOVERNOR'S TRANSMITTAL LETTER
01/27/93	169	(S)	CRA RPT 3NR
01/27/93	169	(S)	HES REFERRAL WAIVED
01/27/93	169	(S)	REFERRED TO FINANCE

**OFFICE OF THE GOVERNOR**

DIVISION OF ELECTIONS  
P.O. BOX AF  
JUNEAU, ALASKA 99811-0105  
PHONE (907) 465-4611

TO: SENATE FINANCE COMMITTEE  
ALASKA STATE LEGISLATURE

FROM: CHARLOT E. THICKSTUN  
DIRECTOR  
DIVISION OF ELECTIONS

DATE: FEBRUARY 4, 1993

SUBJECT: <sup>#868</sup> SB48 - " AN ACT MAKING A SUPPLEMENTAL APPROPRIATION  
FOR CERTAIN ELECTIONS FOR REGIONAL EDUCATION  
ATTENDANCE AREA SCHOOL BOARDS AND COASTAL  
RESOURCE SERVICE AREA BOARDS; AND PROVIDING FOR  
AN EFFECTIVE DATE."

Co-Chairman Pearce, Co-Chairman Frank, and Members of the Committee, thank you for this opportunity to appear before you to discuss ~~SB48~~. I would like to supply some background information, as follows: <sup>#868</sup>

THE STATE CONDUCTS THE ELECTIONS IN THE POLITICALLY UNORGANIZED AREAS OF THE STATE THAT DON'T HAVE CITIES OR BOROUGHES TO CONDUCT THE BOARD ELECTIONS.

**R E A A = REGIONAL EDUCATION ATTENDANCE AREA**

These members are elected to vacant or expiring School Board seats and are policy makers with regard to issues involving education in the schools in rural Alaska.

**C R S A = COASTAL RESOURCE SERVICE AREA.**

These members are elected to vacant or expiring Service Area seats and are policy makers on issues involving all facets of rural community life and act as an "Assembly" might in a politically organized area.

SENATE FINANCE COMMITTEE - RE: SB48  
ALASKA STATE LEGISLATURE

THERE ARE 20 REAAs and 4 CRSAs. THERE WILL BE 126 PRECINCTS INVOLVED IN THE UPCOMING REAA/CRSA ELECTION. 43 PRECINCTS HAVE BOTH REAA AND CRSA SEATS TO BE ELECTED. 65 PRECINCTS HAVE ONLY REAA SEATS TO BE ELECTED AND 18 PRECINCTS HAVE ONLY CRSA SEATS TO BE ELECTED. THERE WILL ALSO BE 33 ABSENTEE SITES AVAILABLE TO VOTERS WISHING TO VOTE ABSENTEE BALLOTS IN PERSON.

THESE ELECTIONS NORMALLY TAKE PLACE IN OCTOBER EACH YEAR, BUT DURING THE LITIGATION OVER REAPPORTIONMENT THE COURT CHANGED THE DATE FROM OCTOBER TO MARCH 2, 1993.

EVERY TEN YEARS AFTER THE CENSUS, THE DEPARTMENT OF EDUCATION REVIEWS THE POPULATION IN THE REAAs AND THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS REVIEWS THE POPULATION OF THE CRSAs TO MAKE SURE THAT THE SECTIONS ARE STILL IN LINE WITH THE POPULATION.

THE DEPARTMENT OF EDUCATION RE-SECTIONED THREE REAAs AND THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS RE-SECTIONED TWO CRSAs.

Unfortunately, unfunded reapportionment costs have contributed greatly to a shortfall in the Division of Election's operating budget; therefore we are requesting supplemental funding of 90.0. This amount will enable us to accomplish these elections that are necessary to ensure the continuity of electing policy making board members to expired or vacant seats on regional education attendance area school and coastal resource service area boards.

I would be glad to answer questions and would like to also let you know our Region I Supervisor, Louise Howerter, is here and available for questions.

ENCLOSURES: (6)

MEMORANDUM TO OMB FY93, BUDGET SUPPLEMENTAL REQUEST  
REAA/CRSA ELECTION CALENDAR  
MEMORANDUM FROM AG RE: 1993 REAA/CRSA 12/8/92  
LETTER FROM DOE TO OMB RE: SHORTFALL EXPECTATION 6/21/92  
MEMORANDUM FROM DEPUTY AG RE: FUNDING DOE 6/21/92  
MEMORANDUM AND ORDER, JUDGE WEEKS 6/3/92

WALTER J. HICKEL  
GOVERNOR



STATE OF ALASKA  
Juneau, Alaska 99811-0001  
907/465-3500

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

MEMORANDUM

TO: Cheryl Frasca, Director  
Division of Budget Review  
Office of Management  
and Budget

DATE: January 11, 1993

Office of the Governor

PHONE: 465-3616

FROM: Michael A. Nizich *M. Nizich*  
Administrative Director  
Office of the Governor

SUBJECT: FY93 Budget  
Supplemental  
Request

I am requesting a FY93 supplemental for the Division of Elections. The Division incurred extraordinary costs during the 1992 General and Primary elections and have insufficient balances available within their BRU to conduct the Rural Education Attendance Area (REAA) elections in March 1993.

The Division is requesting supplemental funding of 90.0 in the Elections/Elections component -- \$87,150 in the Contractual line and \$2,850 in the Supplies line to fund the following:

REAA elections projected costs:

Election Workers	\$52,300
Freight & Express	150
Advertising	23,500
Printing & Binding	7,900
Polling Place Rental	3,300
Supplies	<u>2,850</u>
Total	\$90,000

Due to the timing of the REAA elections, I am requesting your assistance in preparing a separate, fast-track supplemental request which can be expedited through the Legislature. I understand that Neil Slotnick in the Department of Law is already working on the supplemental language for this request. Please call me if you need any additional information.

cc: Lieutenant Governor Coghill  
Shelby Stastny  
Charlot Thickstun  
Kris Lethin  
Dan Spencer

THE  
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ORIGINAL  
COPIES

171000

ACTUAL EXPENDITURES  
EDGER CODE EXPENDITURES BY ACCOUNT  
100000 REAA ELECTION  
0A-1992

RRN:0010101 RSN:02595

ENTITY NUMBER - DESCRIPTION	ACTUAL EXPENDITURE
70000 TOTAL EXPENDITURES	88,372
70000 OPERATING ACCT TOTAL	88,372
70100 GROUP CTRL - OTHER	88,372
70301 00 OTHER-MONCRANT	88,372
70300 OTHER SVCS & CHARGE	07,957
73100 PROFESSIONAL SVCS	52,431
73270 OTHER PROF SERVICES	52,431
73272 POLLING PLACE WORKER	48,957
73273 ELECTION NIGHT WORKER	30
73275 DISTRICT Q/A SRD	1,430
73276 ABSENTEE VOTING OFFI	650
73284 STATEWIDE CANVAS SRD	1,463
73400 TRANSPORTATION	94
73460 FRGHT & EXPRESS CHRG	94
73500 ADV PRINT & BIND	31,872

OR NEXT SECTION ENTER=> NUMBER \_\_\_\_\_ YEAR \_\_\_\_\_ LEVEL LIMIT \_\_\_\_\_  
F1=MENU PF3=PAGE FORWARD PF6=RPT REQUEST MAINTENANCE

ACTUAL EXPENDITURES  
EDGER CODE EXPENDITURES BY ACCOUNT  
100000 REAA ELECTION  
0A-1993

RRN:0031389 RSN:02595 12/01/92

ENTITY NUMBER - DESCRIPTION	ACTUAL EXPENDITURE
73540 ADVERTISING	
73560 PRINTING & BINDING	
73565 BALLOTS	5,876
73566 ELECTION NOTICES/POS	273
73574 CENTRAL DUP/QUIK COPY	56
73800 RENTALS/LEASES	3,335
73850 SPACE EXPENSE	3,335
73858 POLLING PLACE RENT	
74000 SUPPLIES	439
74200 OFFICE SUPPLIES	25
74220 OFFICE/LIBRARY SUPPLY	25
74229 OFFICE SUPPLIES	25
74400 OPERATING SUPPLIES	414
74600 OTH OPERATING SUPPLS	414
74613 ELECTION SUPPLIES	414

OR NEXT SECTION ENTER=> NUMBER \_\_\_\_\_ YEAR \_\_\_\_\_ LEVEL LIMIT \_\_\_\_\_  
F1=MENU PF2=PAGE BACKWARD PF3=PAGE FORWARD PF6=RPT REQUEST MAINTENANCE

1992 REAA Election --	Election Workers	\$52,361
	Freight & Express	94
	Advertising	23,915
	Printing & Binding	7,957
	Polling place rent	3,335
	Supplies	439
	Total	<u>\$88,372</u>

## REAA/CRSA ELECTION CALENDAR

Mon., Oct. 12	Barb	Set up election ID - 92RC32
Mon., Oct. 12	Barb	Confirm REAA resectioning plans with Dept. of Education
Mon., Oct. 26	Barb	Send letters to REAAs and CRSAs confirming expiring terms of REAA/CRSA board members
Wed., Nov. 4	Barb	Prepare Order and Notice for each REAA and CRSA for Director's signature
Fri., Nov. 6	Sean	Prepare REAA/CRSA Declaration of Candidacy forms
Mon., Nov. 30	Sups	Make arrangements for polling places, recruit precinct election workers, AVOs, counting teams, district absentee and questioned boards
Mon., Dec. 7	Sean	Mailed Declaration of Candidacy forms to regional offices
Fri., Dec. 11	Sups	Mailed Declaration of Candidacy forms to city clerks, registrars, superintendents and CRSA coordinators
Mon., Dec. 14	Sean	Worked with Shannon Shields on ads/PSAs to run re: REAA/CRSA candidacy filing forms being available, which seats are up, and filing deadline
Wed., Dec. 16	"Shannon	Faxed PSAs to superintendents and CRSA Coordinators with memo from Jack
Wed., Dec. 30	ALL	Filing deadline for REAA/CRSA candidates 6 AAC 27.035(b) - Date changed by emergency regulation

REAA/CRSA CALENDAR  
MARCH 2, 1993

Mon., Jan. 4	Sups	Send letters and absentee applications to voters in permanent absentee GIFs
Mon., Jan. 4	ALL	Last day to receive REAA/CRSA declaration of candidacy filings that were postmarked 12/30/92. 6 AAC 27.035(b)
Mon., Jan. 4	Sups	List of polling places and AVOs with locations and hours available to Sean for REAA/CRSA 40/10 poster inserts and ads
Mon., Jan. 4	Barb	Seats up and areas that can vote in each REAA/CRSA election to Sean for 40/10 poster inserts and ads
Tues., Jan. 5	Sean	Poster layout to printer for REAA/CRSA 40/10 posters and ads prepared.
Tues., Jan. 5	Sean	40/10 inserts prepared, proofed and printed in-house
Wed., Jan. 6	Sups	Order 40/10 lists for 40/10 posters
Thur., Jan. 7	Sean	40/10 poster proof back from printer, proofed and sent back to printer for printing
Fri., Jan. 8	Barb	Ballot layout to printer
Fri., Jan. 8	Sean	Tally Book layout to printer
Fri., Jan. 8	Sups	Advise Barb of quantity of REAA/CRSA ballots
Mon., Jan. 11	Sean	Last day to send 40/10 poster inserts to regional offices via overnight mail. Will try to get them out sooner.
Wed.-Fri., 1/13-15	Sups	Mail 40/10 posters to chairpersons

REAA/CRSA CALENDAR  
MARCH 2, 1993

Fri., Jan 15	Barb	Ballots and tally books proofed and returned to printer
Mon.-Fri., 1/18-29	Shannon	Ads running re: last day to register, where to vote
Thurs., Jan. 21	Chairs	Last day to post 40/10 posters AS 15.07.140
Thurs., Jan. 21	Sups	Last day to establish precinct boundaries
Fri., Jan. 22	Sean	Send polling place ID cards to voters in precincts that have changed, if necessary
Sun., Jan. 31	Sups	Last day to register for REAA/CRSA election AS 15.05.010(4)
Mon., Feb. 1	Printer	Preferred date for ballots to be delivered to Sups
Mon., Feb. 1	Sean	Preferred date for tally books to be delivered to Sups
Wed., Feb. 3	Sups	Mail supplies and sample ballots to AVOs
Thurs., Feb. 4	Sups	Mail ballots to AVOs
Fri., Feb. 5	Sean	Last day to have supplies (forms, ballots, sample ballots, etc.) in regional offices AS 15.15.050
Mon.-Mon., 2/8-3/1	Shannon	Ads running advising of polling places and absentee voting locations
Mon., Feb. 8	Barb	Create precinct registers AS 15.07.125
Tues., Feb. 9	Sups	Order precinct registers
Mon., Feb. 15	Sups	Mail supplies and sample ballots to precinct chairs

REAA/CRSA CALENDAR  
MARCH 2, 1993

Tues., Feb. 16	Sups	Mail ballots to precinct chairs
Mon., Feb. 15	ALL	Absentee in-person begins
Mon., Feb. 15	Sups	Last day to appoint District Absentee and Questioned boards 6 AAC 27.060
Mon., Feb. 15	Barb	Last day to appoint State Review Board 6 AAC 27.070
Fri., Feb. 26	Alice	Last day to receive absentee applications AS 15.20.081(b) and 6 AAC 27.050
Sat., Feb. 27	Alice	Last day to mail absentee ballots
Tues., Mar. 2	ALL	ELECTION DAY - polling places open 8 a.m. - 8 p.m. AS 14.08.071(b) and AS 15.15.080(b)
Tues., Mar. 2	Chairs/ Sups	Ballots may be counted after 8 p.m. AS 15.15.350
Tues., Mar. 2	Chairs/ Sups	Chairs call Sups with results; Sups fax results to Barb as received
Wed., Mar. 3	Chairs	Mail counted ballots and election materials to director's office and regional offices. AS 15.15.370 and 6 AAC 25.050
Fri., Mar. 5	"Sups	District Absentee Review Board may begin counting absentee ballots if an election race is close 6 AAC 27.060(c)
Wed., Mar. 10	Sups	District Absentee and Questioned Boards count and certify their ballot count 6 AAC 27.060(b)

REAA/CRSA CALENDAR  
MARCH 2, 1993

Thurs., Mar. 11	Sups	Send Absentee and Questioned materials via overnight mail to Barb for State Review Board
Fri., Mar. 12	Barb	Last day to receive and count absentee by-mail ballots that are postmarked 3/2 and mailed from within the U.S. AS 15.20.081(e)
Fri., Mar. 12	Barb	State Review Board begins
Wed., Mar. 17	Barb	Last day to receive and count absentee by-mail ballots that are postmarked 3/2 and mailed from overseas or military APO or FPO addresses AS 15.20.081(h)
Wed., Mar. 17	Barb	Last day to await receipt of election materials from precincts for inclusion in the State Review Board's review of election materials AS 15.15.440
Approx. Mon., 3/22	Barb	Prepare certificates for Director's signature upon completion of State Review Board's certification 6 AAC 27.080
Approx. Thurs., 3/25	Barb	Prepare order and notice of runoff election if necessary to be held within 30 days of certification 6 AAC 27.090
Approx. Mon., 3/29	Barb	Approx. last day to request recount AS 15.20.430
Approx. Wed., 4/21	Barb	Approx. last day to hold runoff election 6 AAC 27.090

HB 68

# MEMORANDUM

## State of Alaska Department of Law

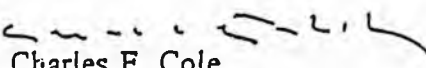
TO: Charlot Thickstun  
Director, Division of Elections

DATE: December 8, 1992

FILE:

TEL.NO.: 465-3600

SUBJECT: 1993 REAA/CRSA Elections

FROM:   
Charles E. Cole  
Attorney General

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I will instruct my staff to assist the division in preparation of the separate supplemental appropriation for REAA/CRSA elections. If I can be of further assistance in this matter, please contact me.

cc: Lt. Gov. John B. (Jack) Coghill  
Don Harris, Lt. Governor Chief of Staff  
Michael Nizich, Director, Administrative Services  
Shelby Stastny, Director, Office of Management and Budget

CEC:SCS

HB 68


STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS  
P.O. BOX AF  
JUNEAU, ALASKA 99811-0105  
PHONE (907) 465-4611

MEMORANDUM

TO: Charles E. Cole  
Attorney General

FROM: Charlot E. Thickstun   
Director

DATE: 7 December 1992

SUBJECT: 1993 REAA/CRSA Election Process

*Recently we have been in contact with Neil Slotnick and Barbara Blasco in regard to the court postponed 1992 REAA/CRSA elections rescheduled to take place on March 2, 1993.*

*We have been contacted by Howard Trickey and Kent Durand, attorneys representing the school districts who favor eliminating the March election and having the regularly scheduled REAA/CRSA elections October 5, 1993.*

*We do not seek to disenfranchise the rural voters of their right to select school board members in a timely manner. We do, however, have a concern as to how the Division of Elections is going to facilitate the March election monetarily.*

*The last REAA/CRSA election cost in excess of \$88,000 to perform. The Division of Elections is not in a position to accomplish the REAA/CRSA election in March. Work must begin immediately but there are no funds.*

*When there is no money to do what we are statutorily mandated to do, where do the funds come from to hold the REAA/CRSA election in order not to disenfranchise the voters in these jurisdictions? As you are aware, these are often minority areas the Department of Justice would censure the State of Alaska for disenfranchising.*

*Please find enclosed the latest information regarding the financial status of the Division of Elections. I will await your advice on how to proceed.*

- cc: Lt. Governor John B. Coghill
- cc: Deputy Attorney General Bruce M. Botelho
- cc: Shelby Stastny, Director, OMB

HB 63

STATE OF ALASKA  
OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS

- Region I Elections Office
- Region II Elections Office
- Region III Elections Office
- Region IV Elections Office

June 21, 1992

Shelby Stastny, Director  
Office of Management and Budget  
5th Floor  
Dimond Courthouse  
Juneau, AK 99811

Dear Mr. Stastny:

Thank you for attending the meeting in Lieutenant Governor Coghill's office on June 19th regarding the overall status of the financial and administrative aspects of the forthcoming State Primary Election on September 8, 1992.

This letter confirms the key elements of the discussion.

We agreed the FY92/FY93 appropriation of 3.7 million dollars to the Division of Elections was not intended to include the costs incurred to accomplish and fully implement the effects of the reapportionment.

Accordingly, our estimate of additional financial need for FY92/FY93 is 1.6 million, a conservative evaluation based on the factors experienced to date by the Division.

Lastly, I am relieved to learn from you our current appropriation, as well as the FY92/FY93 allocations are not budgeted by election functions but rather represent a total allocation for all election related functions directed and or supervised by my office. Bruce Botello, Assistant Attorney General, concurs with this statement.

With respect to availability of financial resources for the 1992 election cycle, we were disappointed in not receiving additional fund allocations during the most recent special session of the Legislature. Notwithstanding our disappointment, we are satisfied that we can proceed with our election responsibilities now that Bruce Botello informed us, at our meeting, that funding can be ordered by the Court to be available for Division of Elections by the State of Alaska when our shortfall occurs this fall.

In an effort to conserve resources, given the fact the critical path assumptions presented to the court were ignored, several decisions on managing the 1992 Primary and General Elections have been altered to meet the resources made available to the Division.

Region I Elections Office  
10 Main Street, 4th floor  
P.O. Box 110018  
Juneau, Alaska 99811-0018

Region II Elections Office  
800 E. Dimond Boulevard, Suite 3-580  
Anchorage, Alaska 99515-2045  
(907) 522-8683

Region III Elections Office  
675 7th Avenue, Station H  
Fairbanks, Alaska 99701-4594  
(907) 451-2835

Region IV Elections Office  
Alaska State Office Building  
P.O. Box 577  
Nome, Alaska 99762-0577  
(907) 443-5285

Shelby Stastny  
Office of Management and Budget  
June 21, 1992  
Page 2

In summary, it has been determined and agreed we will go forward and hold the Primary Election on September 8, 1992 and the General Election on November 3, 1992. It is also agreed, we will attempt to have the REAA/CRSA elections suspended until the first part of 1993. Further, the Division will work closely with you to achieve cost savings whenever possible. Your consideration of our position is noted and appreciated.

Sincerely,



Charlot E. Thickstun  
Director

cc: Lieutenant Governor Coghill ✓  
Charles E. Cole, Attorney General  
Bruce Botelle, Assistant Attorney General

CET/cj

1-1363

# MEMORANDUM

State of Alaska  
Department of Law

TO: Charlot Thickstun  
Director  
Division of Elections

DATE: July 21, 1992

FILE NO.:

TEL. NO.: 465-3600

SUBJECT: Funding - Division of  
Elections

FROM: *Bmk*  
Bruce M. Botelho  
Deputy Attorney General

I have had an opportunity only recently to review carefully your letter of June 21, 1992 to Shelby Stastny, Director of the Office of Management and Budget, respecting funding for the division of elections.

There is one aspect of the letter that should be clarified: court-ordered appropriations from the state treasury. I indicated in the meeting that, under extraordinary circumstances, courts have ordered monies from a state's treasury to cover expenses incurred in complying with other court orders. These circumstances have most frequently arisen in the context of prisoner lawsuits on jail conditions. The parallel to our current situation is clear: if the division of elections were forced to shut down before it conducted either the September 8 or November 3 election because it had expended its available funding and no other source were available, relief could be sought from the superior court.

I do not recommend this strategy because it would set a bad precedent in Alaska. Instead, it should be regarded as a last resort.

cc: Shelby Stastny  
Lt. Governor Coghill

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT

SOUTHEAST CONFERENCE, a non-profit  
Alaska corporation, et al.,

Plaintiff,

vs.

WALTER J. HICKEL, Governor of  
the State of Alaska, et al.,

Defendant.

Case No. 1JU-91-1608 CI (Consolidated)

MEMORANDUM AND ORDER

1. As provided by Civil Rule 53 and the Alaska Supreme Court Order of May 28, 1992, the court appoints the following persons to serve as Special Masters: Wilson Condon, Harold Gillam, and Brian Rogers. Mr. Condon is to serve as Chair.

2. The court will issue a separate order with instructions to the masters.

3. The Department of Law is ordered to submit a request to the U.S. Department of Justice for preclearance of election law changes as necessitated by this and other court orders. The submission is to include this court's order of May 11, the supreme court order of May 28, this court's order of May 29, any supreme court opinion issued, the order extending other deadlines, and other materials as appropriate. The Department is to request expedited consideration of the interim plan. The state's submission is to be filed with the court and served on all parties. The state shall file and serve on the parties all communications.

with the Department of Justice.

4. There shall be a status conference each Tuesday and Friday at 1:30 p.m., beginning this Friday in Anchorage. Counsel may participate telephonically if they notify the court secretary three hours in advance.

5. The parties may provide materials for consideration by the masters by the close of business Thursday, June 4. The parties are to provide three copies for the masters, file a copy with the court, and serve all other parties. Parties may not submit anything inconsistent with this court's instructions or the order of May 11 as modified by the supreme court order of May 28. All communication between the parties and the masters is to be in writing and filed with the court.

6. Proposed plans are to be submitted to masters by noon on Monday, June 8.

7. Members of the public may submit proposed plans on the same schedule with the parties, by noon on June 8, 1992. All plans may be in the form of maps, narrative, statistics, or on electronic media.

8. The masters are to have a plan to the parties and the court by 4:30 p.m. on Saturday, June 13, 1992.

9. Parties may file any objections to the masters' plan, and must detail how to remedy any identified problems, by the close of business June 16.

10. The court will have completed an interim plan by the close of business June 18.

11. The masters may use the professional services of Ms. Kathryn Lizik and Mr. Jerry Smetzer as the masters choose.

12. The court shall issue a further order on extensions and waivers of deadlines.

13. The state shall provide the masters within 24 hours such statewide and precinct maps as are available of both the existing districting and the plan voided by the court.

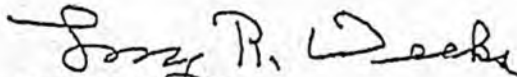
14. The court will convene at 1:30 p.m. Monday, June 8, for the parties to provide the masters with further information on proposed plans. Questions of law and issues relating to the impact on the Division of Elections are matters for the court.

15. At the status conference on Friday, June 5, the parties may propose experts for the court to employ under Evidence Rule 706 with respect to the Voting Rights Act.

16. In light of the circumstances, the court is concerned about the Division of Elections' ability to provide for elections in a timely, orderly manner with its current funding. The state is ordered to request supplemental funding to ensure that elections are properly prepared and held on time.

17. Cost of the masters is to be split between the parties, half to the plaintiffs, half to the defendants.

DONE this 3rd day of June, 1992, at Anchorage, Alaska.



Larry R. Weeks  
Superior Court Judge

**HB**

**69**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: March 1, 1993

FURTHER REFERRALS:

Date of Committee Action: 3/29/93

The FINANCE Committee considered:

HB 69

HOUSE BILL NO. 69

SEX OFFENDER REGISTRATION

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

**RECOMMENDATIONS:**

be replaced with CS HB 69 (Fin)  the same title

a new title

have attached amendments(s)

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) PS 3/1/93

zero fiscal note Administration

zero fiscal note(s) Law 2/29/93  
DOC 2/28/93

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>E. B. Muehlen</u> <small>Mitchell</small>	<input checked="" type="checkbox"/>	<u>Spike Yavame</u> <small>Nowame</small>		<input checked="" type="checkbox"/>	
<u>Ronald J. Jan</u> <small>Lanson</small>	<input checked="" type="checkbox"/>				
<u>Mark Hanley</u> <small>Hanley</small>	<input checked="" type="checkbox"/>				
<u>Terry Martin</u> <small>Martin</small>	<input checked="" type="checkbox"/>				
<u>Sean Starnell</u> <small>Starnell</small>	<input checked="" type="checkbox"/>				
<u>Ben Grussenford</u> <small>Grussenford</small>	<input checked="" type="checkbox"/>				
<u>Jim Theriault</u> <small>Theriault</small>	<input checked="" type="checkbox"/>				
<u>Richard Foster</u> <small>Foster</small>	<input checked="" type="checkbox"/>				

Ronald J. Jan E. B. Muehlen  
CHAIRMAN'S SIGNATURE

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 69 (JUD)

Revision Date: 3-2-93 Dept. Affected: Corrections  
 Title: "An Act relating to registration of sex offenders" BRU: Institutions  
 Component: Institutions  
 Sponsor: Representative Barnes  
 Requestor: House Finance COMPONENT SERIAL NO. 1860

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
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REVENUE FUND SOURCE						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	-0-	-0-	-0-	-0-	-0-	-0-
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

**ANALYSIS:** (Attach a separate page if necessary) It is estimated that approximately 50 -55 sex offenders would require notification per year. This duty can be absorbed without additional staff since paperwork must be completed at time of release. The bill also makes it a Class B misdemeanor for a sex offender to knowingly fail to register as required. If 50 sex offenders are released each year, it is estimated that 24% would fail to register and of that number, 4 would likely be sentenced to some incarceration.

Prepared by: Dana LaTour Phone: 465-3454  
 Division: Office of the Commissioner Date: 3-2-93  
 Approved by Commissioner: Lloyd G. Rupp Date: 3-2-93  
 Agency: Department of Corrections

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO CSHB 69 (Iud)

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to registration of and information about sex..." BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 Sponsor: Representatives Barnes, Ulmer, Phillips  
 Requestor: House Finance COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	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 (FY93) impact: \$ None

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Brant McGee, Public Advocate Phone: 274-1684  
 Division: Office of Public Advocacy Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usery Date: 3/2/93  
 Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO CSHB 69 (Jud)

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to registration of and information about sex..." BRU: Public Defender Agency  
 Component: Public Defender Agency  
 Sponsor: Representatives Barnes, Ulmer, Phillips  
 Requestor: House Finance COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	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 (FY97) \_\_\_\_\_ \$ None

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 279-7541  
 Division: Public Defender Agency Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usher Date: 3/2/93  
 Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: CSHB 69 (JUD)

Revision Date: \_\_\_\_\_

Department Affected: Department of Law

Title: Administration of and information about sex offenders...

BRU: Prosecution, Legal Services

Component: Prosecution - All

Sponsor: Representative Barnes

Requestor: Representative Barnes

COMPONENT SERIAL NO. 0085 through 0091

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact -0-

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

Prepared by: Richard I. Peques, Director Phone: 465-3672

Division: Administrative Services Division 11 Date: January 25, 1993

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: January 25, 1993

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: CSHB 69(IJD)

Revision Date: 3/2/93 Dept. Affected: Public Safety  
 Title: "An Act relating to registration of sex offenders..." BPU: Alaska State Troopers  
 Sponsor: Representative Barnes Component: Criminal Investigation Bureau  
 Requestor: House Finance COMPONENT SERIAL NO. 830

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	38.5	38.5	38.5	38.5	38.5	38.5
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	9.3					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>86.5</b>	<b>43.2</b>	<b>43.2</b>	<b>43.2</b>	<b>43.2</b>	<b>43.2</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	55.5	32.2	32.2	32.2	32.2	32.2
1005 GF/Program Receipts	31.0	11.0	11.0	11.0	11.0	11.0
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>86.5</b>	<b>43.2</b>	<b>43.2</b>	<b>43.2</b>	<b>43.2</b>	<b>43.2</b>

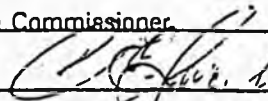
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: C.E. Swackhammer Phone: 465-4322  
 Division: Office of the Commissioner Date: 3/2/93  
 Approved by Commissioner:  Date: 3/2/93  
 Agency: Richard J. Burton, Dept. of Public Safety

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CSHB 69(JUD) establishes a sex offender registry within the Department of Public Safety. The bill requires Alaska State Troopers (AST) or municipal police departments to take the photographs and fingerprints of sexual offenders and provide a specimen of blood adequate for genetic typing analysis, including deoxyribonucleic acid (DNA) from a sex offender whose requirement to register under (a) of AS 12.63.010 arises on or after January 1, 1997.

The Criminal Investigation Bureau (CIB), Sex Crimes Unit, estimates that there are approximately 300 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 231 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.

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.

CSHB 69(JUD) also provides that sex offenders convicted of an unclassified or class a felony sex offense are required to register for a lifetime. This will have no additional fiscal impact on the Department. 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 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 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 300 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, Alaska Court System, and local law enforcement agencies. This position will also respond to all requests for information from the public.

CSHB 69(JUD) requires all AST posts and municipal police departments to be available to take sex offenders' fingerprints, photographs. It will also be necessary to obtain a specimen of blood adequate for genetic typing analysis, including deoxyribonucleic acid (DNA) from a sex offender whose requirement to register under (a) of AS 12.63.010 arises on or after January 1, 1997. Ongoing costs for fingerprint cards are included with the supplies requirements for the Clerk IV.

A significant number of offenders live in bush areas. It is highly unlikely that they would voluntarily travel to locations outside their villages to register. This fiscal note does not anticipate actively pursuing registration of these individuals due to the high cost.

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

	Equipment & Public Notice	Computer Programming	Clerk IV	TOTAL
Personal Services	\$ 0.0	\$ 0.0	\$ 38.5	\$ 38.5
Contractual	10.0	24.0	2.1	36.1
Supplies	0.0	0.0	2.6	2.6
Equipment	<u>9.3</u>	<u>0.0</u>	<u>0.0</u>	<u>9.3</u>
<b>TOTAL</b>	<b>\$ 19.3</b>	<b>\$24.0</b>	<b>\$ 43.2</b>	<b>\$ 86.5</b>

Costs not included after the first year in operation are the equipment costs (\$9.3), 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	25,810	
Benefits	<u>12,666</u>	
Total Personal Services		38,476

CONTRACTUAL:

Printing of posters and public notices	10,000	
Telephone and postage: \$50 per month	600	
Repair and maintenance on microcomputer	500	
Contracted programming and data storage space	<u>25,000</u>	
Total Contractual		36,100

SUPPLIES & MATERIALS:

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

EQUIPMENT:

Desk	500	
Chair	225	
Computer table	600	
Microcomputer with printer	<u>8,000</u>	
Total Equipment		<u>9,325</u>
<b>TOTAL COST</b>		<b>86,501</b>

This 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:

FY93	1,250	offenders		1,200	inquiries
	X <u>20</u>	fee	X	<u>5</u>	
	25,000			6,000	
FY94	250	offenders		1,200	inquiries
	X <u>20</u>	fee	X	<u>5</u>	
	5,000			6,000	

CSHB 69(JUD) provides for genetic typing analysis, including DNA to take effect January 1, 1997. This field is changing so rapidly that it is not possible to accurately predict the fiscal impact. The SOA Scientific Crime Detection Laboratory is not staffed or funded to perform this type of work and the tests would need to be contracted out to private laboratories outside of Alaska. At this time this is extremely expensive, however as the technology advances these costs are expected to decline significantly. Rather than make an estimate for this fiscal note at this time that is known to be inaccurate, the department anticipates requesting funding in the future through an increment in the budget process.

Sec. 3 of the CS takes effect upon passage of the legislation. AST would not be able to implement the processing of data to meet the central repository requirements until the beginning of FY94 at the earliest.

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 Identification System) processing and maintaining the fingerprint 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 them from the trooper posts. Additionally, this will involve interaction with the Department of Corrections, the Department of Health and Social Services, and the Alaska Court System.</p>			
1	2				3
Salary*	25.8				
Benefits*	12.7				
Premium Pay (Included in Above)					
Other					
Total Personal Services					38.5
Travel					
Contractual					2.1
Commodities					2.6
Equipment					
Other					
Total Cost		43.2			
Funding Source For Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	43.2			
Program Receipts/GF	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
* Personal Services Salary and Benefits Costs are from PACS calculations.					

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety

BRU Alaska State Troopers

COMPONENT Criminal Investigation Bureau

FY 94

Page 6 of 6

Revised Date

BACK-UP



Bill No. HB 69


Date: February 9, 1993

Contact: Joanne F. Lopez  
Executive Dir.  
465-4356

Title: "An act relating to registration of and information about sex offenders and amending Alaska Rules of Criminal Procedure 11 (c) and 32 (b)."

The Council on Domestic Violence and Sexual Assault supports HB 69 and believes that the registration of sex offenders is a measure that will deter, if not prevent, future abuses of women and children. HB 69 would provide the victims of sex crimes a greater degree of information as to the status and whereabouts of offenders, thereby giving a greater measure of protection.

Many sex offenders are released from prison without completing sex offender treatment, and the likelihood of recidivism is high. When a discharged sex offender repeats the crime, the cost to society to investigate, prosecute, and incarcerate the offender, as well as to assess and treat the victim is high. Even a minimal reduction in the number of assaults against women and children will save both human suffering and costs to society.

*Willie Kinnebrew*   
Willie Kinnebrew, Acting Chair  
Council on Domestic Violence and  
Sexual Assault



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

### MEMORANDUM

State Capitol  
Juneau, AK 99801-1182

TO: Representatives Therriault, Brown, Martin and Parnell  
Finance Subcommittee members for HB 69

FROM: Douglas A. Wooliver  
Staff Attorney

SUBJECT: Draft Amendments to HB 69

DATE: March 25, 1993

Attached is the draft committee substitute for HB 69. The changes in the bill reflect the changes suggested at the subcommittee meeting on March 24th.

Former section 3 of HB 69 (JUD) has been deleted. That section made it a class A misdemeanor for a sex offender to fail to supply a blood sample. This section has been deleted because the requirement to supply a blood sample has also been deleted.

Former section 5, lines 15-23 on page 3 of HB 69 (JUD) (section 4 of the draft substitute, lines 10-16 on page 3) has been amended to reflect the following changes:

- 1) the duty to register for life now only applies to a person who has been convicted of two or more sex offenses.
- 2) all other sex offenders will be required to register for a period of 15 years following their unconditional discharge.

At the request of the sponsor, this amendment also deletes the registration requirement for sexual abuse of a minor in the fourth degree, a class A misdemeanor. This change shows up in the definition section under this same section. (lines 2-5 on page 4 of HB 69 (JUD) and lines 26-29 on page 3 of the draft committee substitute). The change was made to the definition of "sex offense"

which now does not include the crime of sexual abuse of a minor in the fourth degree. (See attached)

Former section 6 of HB 69 (JUD) has been deleted. That section required a blood sample from all sex offenders required to register on or after Jan. 1, 1997.

Former section 7 of HB 69 (JUD) (section 5 in the draft committee substitute) has been amended at line 4 by adding the words "if the department finds the information is inaccurate or incomplete, the department shall correct or supplement the information." This change reflects the need to insure that mistakes will in fact be corrected and not merely recognized. (This change is found at line 18 of page 4 in the draft committee substitute).

Also under former section 7, at lines 5-6 on page 5, a change has been made regarding the fees that DPS may charge both registrants. The draft committee substitute (at lines 24-28 on page 4) makes clear that the fee for registration is to be tied to the actual cost of registering. This amendment also limits to \$5 dollars the fee that can be charged for information requests.

Former section 14 (lines 30-31 on page 6 and 1-5 on page 7) now section 12 in the draft committee substitute (lines 21-31 on page 6 and 1-3 on page 7) has been amended to reflect some of the above changes. Under this section, for anyone with only one sex offense conviction, the bill will only be retroactive until Jan. 1, 1984. (those with more than one sex offense conviction do not benefit from this 10 year limitation).

Former section 16 on page 7 has been amended to reflect the fact that the draft committee substitute has deleted the blood gathering and testing sections.

# Alaska State Legislature



Official Business

Speaker of the House of Representatives

State Capitol  
Juneau, Alaska 99801-1112  
(907) 465-3720

## MEMORANDUM

TO: Representative Ramona L. Barnes  
Speaker of the House

FROM: Douglas A. Wooliver  
Staff Attorney

SUBJECT: Sectional Analysis of CS for HB 69 (Jud.), (Sex  
Offender Registration)

DATE: March 2, 1993

This is a sectional analysis of the CS for HB 69 (Jud.).

Section 1 lists the legislative findings.

Section 2 amends AS 11.56 by adding a new section (11.56.840) entitled Failure to Register as a Sex Offender. This section makes it a class A misdemeanor for a sex offender to knowingly fail to meet their registration requirements.

Section 3 repeals and reenacts the above section 2 automatically on January 1, 1997. The new section will include within the reporting requirements the duty to provide a blood sample and make the failure to provide such a sample a class A misdemeanor. (The reason for this section being written as it is is that the Department of Public Safety currently does not have the ability to do blood typing.)

Section 4 amends AS 12.55 and adds a new section (12.55.148(a)) entitled; "Judgements for Sex Offenders." This section directs the Alaska courts to include the registration requirements in their written judgements of a convicted sex offender.

Section 4 also makes clear that the term "sex offense" is defined in the Act at AS 12.63.100

Sec. 5 amends AS 12 to add a new chapter (63) which will read; "Registration of Sex Offenses"

Section 12.63.010 (a) lists the time requirements for registration; basically 7 days for a person convicted in Alaska and 14 days for a person coming in from outside.

Subsection (b) requires a convicted sex offender to register in person at either an Alaska state trooper post or a municipal police department nearest to where they reside at the time of registration.

Subsection (b)(1) lists the information to be included in the registration, including name, address, place of employment, date of birth, crime for which convicted, date, place and court of conviction, all aliases used and driver's license number.

Subsection (b)(2) allows the registering entity to take the registrant's fingerprints and photograph.

Subsection (c) requires the registrant to notify either the Alaska state troopers or the nearest municipal police department of any address change.

Subsection (d) requires a convicted sex offender to annually provide written notice to the department of any changes in the information that they have previously provided. If there has been no changes then they shall so state.

Section 5 also adds 12.63.020 to the statutes and is entitled; Duration of the Sex Offender Duty to Register.

Subsection (a)(1) of this new section provides for a lifetime registration requirement for a sex offender who is convicted of an unclassified or class A felony sex offense.

Subsection (a)(2) provides for a 20 year registration requirement for a sex offender who is convicted of a class B or C felony sex offense.

Subsection (a)(3) provides for a 10 year registration requirement for a sex offender who is convicted of a class A misdemeanor.

Subsection (b) instructs the department to adopt procedures to notify sex offenders of the duration of their registration requirement.

Section 5 also adds 12.63.100 which is the definition section.

Section 6 amends AS 12.63.010 by adding a new section, (e), that will, on January 1, 1997, require a sex offender to supply a sample of blood adequate for genetic typing analysis.

Section 7 amends AS 18.65 by adding a new section (.087) which reads; Central Registry of Sex Offenders.

Subsection (a) directs the Alaska state troopers to maintain a central registry of sex offenders required to register.

Subsection (b) describes the information about the sex offender that can be released to the public. This information is limited to his/her name, address, photograph, place of employment, date of birth, crime for which convicted, date of conviction, place and court of conviction and length of sentence. All other information is confidential.

Subsection (c)(1)(A) allows a sex offender to review their files and to request that any mistakes be corrected.

Subsection (c)(1)(B) requires the department adopt regulations designed to circulate appropriate information to other law enforcement agencies.

Subsection (c)(1)(C) requires the department to adopt regulations to adopt the blood specimen program authorized under 12.63.010(e).

Subsection (c)(2) requires the department to provide to municipal police departments the forms and directions to carry out the registration requirements.

Subsection (c)(3) allows the department to adopt fees for registration and information requests.

Subsection (c)(2) authorizes the Department of Public Safety to adopt fees for the registration itself as well as the costs of any requests for information.

Section 8 directs the Department of Public Safety to display registration requirements at a place where the public may apply for a driver's license.

Section 9 amends AS 33.30 by adding section 33.30.012 which reads; Notice of Release, Parole, Community Placement, work Release Placement, Furlough, or Escape of Sex Offender.

Subsection (a) of this section lists the law enforcement personnel who are to be notified when a sex offender is out of custody for any reason. Notice is to be at least 10 days prior to release and in writing.

Subsection (b) lays out the notice requirements established to respond to escaped sex offenders.

Section 10 amends AS 33.30 by adding section 33.30.035 which reads; Notice to Sex Offenders of Registration Requirement. This section establishes the notice that is required to be given to sex offenders upon their release from prison or upon their arrival in the state.

Section 11 amends the definition section found at 33.30.901 to include a definition of "sex offender".

Section 12 amends Alaska Rule of Civil Procedure 11(c) to prohibit the court from accepting a plea of nolo contendere without adequately assuring that the defendant knows the consequences. This section also requires that a defendant charged with a sex offense is informed in writing about the registration requirements.

Section 13 requires that a judgment containing notification of the registration requirements be provided to anyone convicted of a sex offense.

Section 14 makes this act retroactive to cover any sex offender whose duty to register has not terminated under AS 12.63.020 (added by section 5).

Section 15 recognizes the Alaska Constitutional requirement of a 2/3 majority to enact sections 3 and 11 which change the Alaska Rules of Civil Procedure.

# Alaska State Legislature




Official Business

Speaker of the House of Representatives

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3720

## MEMORANDUM

**TO:** Representatives Eileen Maclean and Ron Larson, Co-Chairs  
House Finance Committee

**FROM:** Representative Ramona L. Barnes   
Speaker of the House

**SUBJECT:** Scheduling of HB 69, "An Act relating to registration of and  
information about sex offenders and amending  
Alaska Rules of Criminal Procedure 11(c) and 32(b)."

**DATE:** February 25, 1993

This memo is a request to schedule HB 69 for hearing before the House Finance Committee on Wednesday March 3, 1993 pending notification of passage out of the House Judiciary Committee.

HB 69 requires all persons who are present in Alaska and have been convicted of sex crimes in Alaska or any other state to register with the Alaska State Troopers and, for a period of years, to provide the Troopers with updated information including their places of residence and employment.

Of the information provided, the name, address, photograph, place of employment, date of birth, crime for which convicted and date of conviction would be subject to public disclosure. While technically much of this information is already available, as a practical matter it is extremely difficult to obtain. This is particularly disturbing in light of the fact that a recent report from STAR in Anchorage indicates that Alaska has the highest incidence of child abuse in the nation as well as the second highest incidence of sexual assault.

By improving the access to information regarding sex offenders that reside in Alaska, HB 69 will better enable employers, volunteer coordinators and others to effectively screen those who may work around children or in any other position where people may be vulnerable.

By requiring sex offenders to keep the State Troopers informed as to their whereabouts, HB 69 will enable law enforcement personnel to keep better track of them. This is important because not only do sex offenders tend to have multiple victims, but they also frequently repeat their crimes even after serving time in prison. By being required to register, sex offenders may not only be less likely to commit such crimes again but, if they do, law enforcement personnel will have a better chance of identifying them as well as a better idea of where to find them.

Thank you for the prompt scheduling of HB 69.

# Alaska Association Chiefs of Police



January 25, 1993

RECEIVED

JAN 29 1993

Representative Ramona Barnes  
Speaker of the House  
State Capitol  
Juneau, Alaska 99801-1182

Dear Representative Barnes:

I am writing to express the support of the Alaska Association of Chiefs of Police for House Bill 69. We support the concept of identifying and registering sex offenders for some period of time once they have been discharged from any conviction for a sex offense under AS11.41.410 - 11.41.455.

Probation, after discharge from a criminal conviction is normally an acceptable tool in monitoring a person's behavior. Sex offenders, however, pose a higher risk of re-offending and are a greater threat to public safety after release. Registering sex offenders and providing that information to public agencies in the offender's community will undoubtedly provide greater protection for the public.

If we can be of any assistance in the passage of your bill please let me know.

Very truly yours,

A handwritten signature in cursive script, which appears to read "Ronald L. Otte", is written over a horizontal line.

Ronald L. Otte  
President

RLO/lp

# EFFECTIVENESS OF STATUTORY REQUIREMENTS FOR THE REGISTRATION OF SEX OFFENDERS

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A Report to the  
California State Legislature



A Study by  
Roy Lewis, Research Program Specialist

CALIFORNIA DEPARTMENT OF JUSTICE  
DIVISION OF LAW ENFORCEMENT  
CRIMINAL IDENTIFICATION AND INFORMATION BRANCH  
BUREAU OF CRIMINAL STATISTICS AND SPECIAL SERVICES

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## Executive Summary

Senate Bill 888 (Seymour), which passed in 1985, mandates that the Department of Justice study the effectiveness of statutory requirements for the registration of sex offenders. In order to measure the effectiveness of sex registration in California, the Department designed a study to determine: (1) the level of compliance in California with sex registration requirements, (2) the recidivism patterns of sex offenders, and (3) the extent to which sex registration assists in the investigation of sex crime cases.

### Compliance

Compliance among a group of convicted sex offenders in 1973 and another group of convicted sex offenders in 1981 was examined by using complementary data sources. Compliance was found to range from a low of 54 percent among the 1973 group to a high of 72 percent among the group from 1981. While the compliance rate has improved, it still falls short of acceptable levels.

Another level of analysis measured compliance of those released from prison in 1981. Among this group, compliance was higher at nearly 89 percent. Since the 1973 and 1981 groups included offenders receiving local dispositions (e.g., probation, jail, jail and probation, etc.), it is concluded that compliance of those released from jails is considerably lower.

### Recidivism

To evaluate the recidivism patterns of sex offenders, the Department conducted a 15-year followup of sex offenders first arrested in 1973. An analysis of subsequent arrests over the 15-year period (1973-1988) found that nearly half (49.4 percent) were rearrested for some type of offense and almost twenty percent (19.7) for a subsequent sex offense. Sex offenders whose first arrest was for rape by force or threat had the highest recidivism rate, 63.8 percent for any offense and 25.2 percent for a subsequent sex offense.

### Investigative Assistance

To measure the extent to which sex registration assists in the investigation of sex crime cases a survey of all law enforcement agencies and a sample of other criminal justice agencies was conducted. Six-hundred-and-eighty-two (682) questionnaires were sent to police and sheriff's departments, county probation departments, county district attorneys, and state parole offices. Four-hundred-and-twenty (420) questionnaires were returned to DOJ, thus giving a sample return of 61.6 percent. This is an excellent response rate and reflects confidence in the findings of this survey.

The two major findings of the survey were that nearly 97 percent of law enforcement respondents believe that sex offenders should be registered in California and 83 percent believe that the sex registration process aids in the apprehension of suspected sex crime-offenders. The responses given by other criminal justice agencies were quite similar.

Despite the strong support for registration and the value the registration process has to investigation the survey results indicated that a number of problems exist with the current system. Similar problems were identified across every type of criminal justice agency.

Seven major problems were identified, including (1) lack of time and manpower at the local agency level to devote to enforcement of sex registration requirements, (2) lack of a statewide automated sex registration system and up-to-date information, (3) lack of a statewide M.O. (modus operandi) information system on sex registrants, (4) lack of knowledge or cooperation on the part of the offender to register and/or provide law enforcement with address changes, (5) lack of training and familiarity with the sex registration system, (6) lack of punishment for sex registration violators, and (7) lack of information sharing among criminal justice agencies in general.

# EFFECTIVENESS OF STATUTORY REQUIREMENTS FOR THE REGISTRATION OF SEX OFFENDERS

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A Report to the  
California State Legislature



A Study by  
Roy Lewis, Research Program Specialist

CALIFORNIA DEPARTMENT OF JUSTICE  
DIVISION OF LAW ENFORCEMENT  
CRIMINAL IDENTIFICATION AND INFORMATION BRANCH  
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## TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY .....	1
SECTION I: INTRODUCTION	
A. Background .....	4
B. The Case for Sex Registration .....	4
C. Study Objectives .....	4
D. Overview of Study Methodology .....	4
SECTION II: FINDINGS ON SEX REGISTRATION COMPLIANCE	
A. Background .....	6
B. Findings .....	6
SECTION III: RECIDIVISM OF SEX OFFENDERS	
A. Background .....	7
B. Findings .....	7
SECTION IV: RESULTS OF THE CRIMINAL JUSTICE AGENCY SURVEY	
A. Introduction .....	9
B. Assessment Evaluation Information .....	9
C. Problem Identification .....	10
SECTION V: REGISTRATION OF JUVENILES UNDER 647a	
A. Background .....	11
B. Findings .....	11
APPENDIX A - COPY OF SENATE BILI. 888	

## Executive Summary

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Despite the strong support for registration and the value the registration process has to investigation the survey results indicated that a number of problems exist with the current system. Similar problems were identified across every type of criminal justice agency.

Seven major problems were identified, including (1) lack of time and manpower at the local agency level to devote to enforcement of sex registration requirements, (2) lack of a statewide automated sex registration system and up-to-date information, (3) lack of a statewide M.O. (modus operandi) information system on sex registrants, (4) lack of knowledge or cooperation on the part of the offender to register and/or provide law enforcement with address changes, (5) lack of training and familiarity with the sex registration system, (6) lack of punishment for sex registration violators, and (7) lack of information sharing among criminal justice agencies in general.

## Conclusions

Based on the findings of this study, three major conclusions were reached:

1. Approximately three out of every four sex offenders in recent years required to register in fact become registered.
2. Sex offenders as a group are highly recidivistic, particularly among those who commit rape.
3. Although there is widespread support for registering sex offenders, there is a need for improving the system.

## Problems/Recommendations

Based on the seven major problem areas identified in the survey, the following are recommendations for improving the sex registration system in California:

1. Lack of time and manpower at the local agency level to devote to enforcement of registration requirements.

The Department can assist local agencies with awareness programs on the sex registration process, and the services available through the Sex Registration Unit. The Department will continue to do this through information bulletins and training programs.

2. Lack of a statewide automated sex registration system and up-to-date information.

Efforts directed towards development of statewide automated capabilities are under way in two areas. If SB 2282 (Presley) passes, it will require the Attorney General to establish and maintain a Violent Crime Information Center to assist in the identification and apprehension of persons responsible for specific violent crimes. The Center includes an Investigative Support Unit and a statewide automated Violent Crime M.O. system to facilitate the identification and apprehension of persons responsible for violent felonies. Sex offenses are to be included in the system.

A second area is creation of the Serious Habitual Offender Project (SHOP). This project is proposed as legislation in SB 2334 (Lockyer). If approved, this bill will require the Department of Justice to conduct a five-year pilot project in ten bay area counties. It will create a file of serious habitual sex offenders and require the Department to distribute information in a timely fashion to law enforcement agencies, correctional institutions, probation/parole departments, prosecutors, and courts so they can aggressively and effectively identify, arrest, and convict sex crime offenders.

3. Lack of a statewide M.O. (Modus Operandi) information system on sex registrants.

SB 2282 (Presley) will require the Attorney General to establish and maintain a Violent Crime Information Center as reported in number 2 above. The Center will establish an Investigative Support Unit and an automated violent crime M.O. system.

4. Lack of knowledge or cooperation on the part of the offender to register and/or provide law enforcement with address changes.

The Department of Justice is committed to exploring other avenues for a more effective system to get sex offenders registered in California. Such an exploration will include studying the possibilities of accomplishing registration at other stages in the criminal justice process, such as by the courts upon sentencing of an offender or later by probation departments. If the current system of registration remains unchanged, the Department will explore ways to better communicate sex registration requirements, especially to local jails where the greatest problems of registration exist.

5. "Lack of Training" and familiarity with the sex registration process.

The Department will continue to emphasize the use of bulletins, and training programs. DOJ is presently preparing a detailed users guide which will prove very useful to local sex crime investigators.

6. Lack of appropriate punishment for sex registration violators.

During the last session of the Legislature, several bills were introduced to improve sex registration and/or assist in investigating sex crimes in California (i.e., SB 2282 - Presley, AB 1975 - Ferguson, AB 2037, La Follette, AB 2396, Stirling, SB 761, Deddeh, and SB 1283, Royce).

SB 2282 (Presley) as mentioned, requires the Attorney General to establish and maintain a Violent Crime Information Center. SB 761 (Deddeh) would reduce the period within which a person must register when entering a new jurisdiction. SB 1283 (Royce) would provide for enhanced fines for failure to register, would require probation and parole officers to ensure that their clients properly register and would provide for increased periods of probation and parole for specified sex offenses. AB 1875 (Ferguson) would require a study analyzing the use of computerized state income tax returns and drivers' license data as a means of verifying and updating the addresses of sex offenders. AB 2037 (La Follette) would raise the penalty for failure to register to provide for a potential felony punishment and would authorize the employment of private contractors to verify sex offender registration records. Finally, AB 2396 (Stirling) would make additional sex offenses registrable and would authorize limited registration for persons convicted of misdemeanor indecent exposure.

Only SB 2282 and AB 2037 are currently pending before the Legislature.

7. Lack of information sharing among criminal justice agencies in general.

It is recommended that local agencies on a county or regional basis develop a local task force on sex crimes to coordinate information sharing and investigative activities. Should the Serious Habitual Offender Program be implemented, it could serve as a model program. Through its outreach activities, the Department Sex Registration Unit will continue to encourage formation of these types of programs at the local level.

## SECTION I: INTRODUCTION

### A. Background

Since July 1, 1947, individuals convicted in California of a registrable sex offense have been required to register for life under Section 290 of the Penal Code. A person must register if, since July 1, 1944, that person has been convicted of sex registrable offenses such as rape, sodomy, molestation, incest, etc. A person determined to be a mentally disordered sex offender or convicted in any other state of offenses is also required to register. Registration with a local law enforcement agency must occur within 14 days after moving into any city and/or county in which the offender resides or is temporarily domiciled. If an individual subsequently changes his/her address, he/she is required under the law to keep the local law enforcement agency aware of the change of residence. In turn, the police department or sheriff's office which has jurisdiction over the subject's place of residence must submit all updated information to the Department of Justice (DOJ) Sex Registration Unit.

Upon receipt of completed registration forms, the DOJ Sex Registration Unit places the information (registrant's physical description, photograph, convicted offenses, etc.) into its off-line computer system. This system is utilized by the Registration Unit to provide listings of suspects to agencies and assist in the investigation and prosecution of sex offenders.

### B. The Case for Sex Registration

Sex registration is a process that is controversial. Opponents consider the process an unwarranted violation of an individual's rights. Others argue that sex registration is necessary for protecting society. Aside from the controversy, sex registration has assisted in the investigation of thousands of cases. Two recent cases of great importance have included cracking two major Orange County murder cases. One included William Bonin, the "Freeway Killer," who was identified as a suspect because of his registered sex offender status. Bonin is currently on death row for the murders of 14 victims. Another Orange County case in which the sex registration process aided in the solution involved Robert Jackson Thompson, convicted of the 1981 murder of a 12-year old boy.

### C. Study Objectives

Senate Bill 888 (Seymour) was passed by the Legislature on October 2, 1985 and became law January 1, 1986. The bill requires the DOJ to:

- Study the effectiveness of statutory requirements for the registration of sex offenders.
- Evaluate the registration of juveniles under 647a for the two years between 1-1-86 and 1-1-88.

A copy of the bill can be found in Appendix A.

### D. Overview of Study Methodology

In order to evaluate the objectives listed above, the DOJ Bureau of Criminal Statistics and Special Services (BCSS/SS) focused on three measures of effectiveness. These measures included: (1) compliance or the extent to which those required to register in fact do register as sex offenders, (2) recidivism in order to describe patterns of offending among sex offenders, and (3) information utilization by local law enforcement investigations.

The methods used to measure effectiveness included:

Compliance. Three different data files were used, including a file of offenders released from prison in 1981, and two DOJ OBTS files for the years 1973 and 1981. Each of these three files

was compared to the Department of Justice Sex Registration file to estimate the degree of compliance with sex registration.

Recidivism. A study was conducted of recidivism patterns of sex offenders over a 15-year period and compared to other types of offenders.

Information Utilization. A survey was conducted of criminal justice agencies in California to assess how information about sex offenders is used, the value of the sex registration process, problems with the system, and suggestions for improvement.

## SECTION II: FINDINGS ON SEX REGISTRATION COMPLIANCE

### A. Background

This section deals with compliance or the extent to which individuals required to register as sex offenders are entered on the California DOJ Sex Registration File and the degree to which address information is kept up-to-date.

Under the law, confining institutions (prisons, jails, mental institutions) are required to inform a sex offender of his responsibility to register. Upon release the sex offender is required to report within 14 days to the local law enforcement agency having jurisdiction over the offender's place of residence. Once the offender is registered, a copy of the registration, two photographs and two fingerprint cards are required to be forwarded to the DOJ. Once the documents are received, the Department of Justice Criminal History System and Sex Registration File are updated.

### B. Findings

In order to estimate the degree of registration compliance, data on the Sex Registration File were compared with two years (1973, 1981) of the Offender-Based Transaction Statistics (OBTS) File on individuals who had been convicted of sex registrable offenses. Only 54.3 percent of those with the longest follow-up period (i.e., 1973 cohort) were found on the Department's Sex Registration File. However, among those convicted in 1981 the data showed compliance at 72.2 percent. Over this eight year period compliance increased nearly 20 percentage points. While 72 percent shows improvement, full compliance is not an unreasonable goal.

Using another source of data from the Department of Corrections, compliance among those released from prison in 1981 was examined. Data showed that those released from prison had the highest rate of compliance, i.e., 88.7 percent. These data suggest that jails have the greatest need and opportunity to improve in notifying sex offenders of their responsibility to register.

Another aspect of compliance is the degree to which address information on sex offenders is kept up-to-date. Based upon the criminal justice agency survey results, criminal justice agencies felt that the current system of sex registration in California is effective in following the whereabouts (residence address) of sex registrants. However, in the problem identification section of the survey, lack of up-to-date address information was considered a major problem of the system. Although findings are contradictory, the survey and other indicators suggest that address compliance is probably quite poor. Sex offenders, like other types of offenders are a mobile group and, given the inconsistent approach to offender registration, it is unlikely that offenders more likely to offend are those keeping their residence address information up-to-date with law enforcement.

### SECTION III: RECIDIVISM OF SEX OFFENDERS

#### A. Background

One of the most critical questions surrounding sex registration is the recidivism of sex offenders. Presumably the more recidivistic a group the greater the need for monitoring their activities.

Recidivism thus addresses the issue of appropriateness for registration. Basically, this analysis focused on how specific types of sex offenders differ with respect to recidivism. Recidivism for purposes of this study refers to the number of subsequent arrests and charges that occurred in a group of individuals first arrested in 1973 for a sex registrable offense. To look at this pattern, offenders whose first arrest for a sex registrable offense occurred in 1973 were selected and their subsequent offense history was followed for 15 years (i.e., 1973-1988).

#### B. Findings

##### Sex Offender Recidivism Patterns

A total of 1,362 sex offenders whose first arrest occurred in 1973 were analyzed. The data in Table 1 shows that nearly half or 49.4 percent did recidivate over the 15-year followup period. The data also show that 19.7 percent of this group went on to recidivate with a subsequent sex registrable offense. Among those whose first arrest was for rape, 25.2 percent subsequently went on to commit a sex registrable offense.

TABLE 1  
RECIDIVISM PATTERN BY TYPE OF SEX OFFENSE

Type of initial offense	Recidivism pattern		
	Did not recidivate	Any criminal offense	With subsequent sex offense
Total = 1,362	50.6	49.4	19.7
Rape (attempted) (N=129)	43.4	56.6	23.3
Rape (by force or threat) (N=318)	36.2	63.8	25.2
Incest, sodomy, oral copulation, lewd and lascivious behavior (N=46)	58.4	41.6	17.7
Indecent exposure, annoying or molesting, loitering in or about toilet, etc. (N=453)	54.7	45.3	16.8

### Comparison with Other Offenders

In Table 2, patterns of recidivism are compared between sex offenders (described in Table 1 above) and other offenders whose first arrest was for some other type of offense (e.g., violent, property, drugs, other). The data show that the recidivism rate of sex offenders is quite similar to those whose first arrest was for property or drug offenses, all at the 49th percentile.

However, it can be observed in Table 2 below that approximately one out of every five sex offenders (19.7 percent) in the study recidivated with a subsequent sex offense. By comparison, for those offenders whose first arrest was for a drug offense, only 1.6 percent recidivated with a sex offense. Of those whose first arrest was for a property offense, approximately 2.7 percent recidivated with a sex offense. For violent offenders approximately 3.7 percent recidivated with a sex offense and for all other offenders combined, approximately 3.0 percent recidivated with a sex offense.

Sex offenders who recidivated were approximately 5 to 12 times more likely to recidivate with a subsequent sex offense than were other types of offenders.

TABLE 2  
RECIDIVISM PATTERNS BY OFFENSE GROUPINGS

Type of initial offense	Did recidivate		
	Did not recidivate	Any criminal offense	With subsequent sex offense
Total = 68,981			
Sex offenses (1,362)	50.6	49.4	19.7
Violent (9,394)	41.2	58.8	3.7
Property (22,417)	51.0	49.0	2.7
Drugs (11,324)	50.6	49.4	1.6
All other (24,484)	34.0	66.0	3.0

In conclusion, sex offenders do not differ significantly in terms of overall recidivism from most other types of offenders. However, among sex offenders in the study, there was a significant proclivity toward recommitting sex offenses. In fact, the analysis revealed a particular amount of specialization in the offender groupings.

## SECTION IV: RESULTS OF CRIMINAL JUSTICE AGENCY SURVEY

### A. Introduction

A survey of criminal justice agencies was used to measure perceptions of the effectiveness of the sex registration process. Six hundred eighty-two (682) questionnaires were sent to police and sheriff's departments, county probation departments, county district attorneys, and state parole offices. Four hundred and twenty questionnaires were returned to the DOJ thus giving us a sample return of 61.6 percent (420 out of 682 questionnaires). The obtained sample size of 61.6 percent is considered to be representative of criminal justice agencies in California.

The survey results were organized into two areas: Assessment Evaluation Information and Problem Identification.

Emphasis in the survey focused on questions of how effective the system is viewed by all criminal justice agencies and the problems which various criminal justice agencies found with the sex registration process. The findings are presented in the following two sections (B and C).

### B. Assessment Evaluation Information

The following addresses four questions common to all agencies and their responses.

Do you believe that the current system of sex registration in California is effective in preventing sex offenders from committing sex or other crimes?

Agency Type	Yes	No	No Opinion/Don't Know
Law Enforcement	23.2	51.5	25.3
Probation	18.6	48.8	32.6
State Parole	27.3	52.3	20.4
County DA's	25.0	53.1	21.9

In general, criminal justice agencies do not view sex registration as effective in preventing sex or other type of crimes.

Do you believe that the current system of sex registration in California is effective in following the whereabouts (residence address) of sex registrants?

Agency Type	Yes	No	No Opinion/Don't Know
Law Enforcement	62.9	28.8	8.3
Probation	59.5	31.0	9.5
State Parole	75.5	15.6	8.9
County DA's	68.7	18.8	12.5

The majority of criminal justice agencies believe the current system is effective in following the whereabouts of sex registrants.

Do you believe that the current system of sex registration in California aids in the apprehension of suspected sex crime offenders?

Agency Type	Yes	No	No Opinion/Don't Know
Law Enforcement	82.7	6.7	10.6
Probation	76.2	7.1	16.7
State Parole	86.7	8.9	4.4
County DA's	71.9	9.3	18.8

A large majority of criminal justice agencies believe that the current registration system is effective in aiding the apprehension of suspected sex crime offenders.

Do you believe sex offenders should be registered in California?

Agency Type	Yes	No	No Opinion/Don't Know
Law Enforcement	96.7	1.0	2.3
Probation	100.0	-	-
State Parole	95.6	2.2	2.2
County DA's	83.9	12.9	3.2

The vast majority of respondents to the survey believe that sex offenders should be registered in California.

### Conclusion

The data suggest very strongly that the majority of respondents in criminal justice agencies believe that we should have sex registration in California, a large proportion believe the current system aids in the apprehension of suspected sex crime offenders, and is effective in following the whereabouts of sex registrants. However, approximately half of the respondents do not believe that the sex registration system is effective in preventing sex offenders from committing sex offenses or other crimes.

### C. Problem Identification

Open ended questions were used to identify problems various criminal justice agencies raised about the sex registration process.

Seven major problem areas were identified by respondents to the survey. These problem areas included:

- Lack of time and manpower at the local agency level to devote to enforcement of sex registration requirements.
- Lack of a statewide automated sex registration system and up-to-date information.
- Lack of a statewide M.O. (Modus Operandi) information on sex registrants.
- Lack of knowledge or cooperation on the part of the offender to register and/or provide law enforcement with address changes.
- Lack of local agency training and familiarity with the sex registration system.
- Lack of appropriate punishment for sex registration violators.
- Lack of information sharing among criminal justice agencies in general.

Collectively, these identified problems were reported time and time again by the vast majority of respondents to the survey. Recommendations for addressing these problems are reported in the Executive Summary.

## **SECTION V: REGISTRATION OF JUVENILES UNDER 647a**

### **A. Background**

SB 888 (Seymour, 1985) required the Department of Justice to conduct a study of sex registration law 647a as applied to juveniles committed to the California Youth Authority from the juvenile court. The registration law applied to those juveniles convicted of annoying or molesting a child under 18. The law stipulated that this registration requirement would sunset on January 1, 1988.

### **B. Findings**

No assessment of the effectiveness of this registration law is warranted. Data from the California Youth Authority showed that only two juveniles were affected by the law, both of whom were still incarcerated in the CYA on January 1, 1988.

CHAPTER 1474

An act to amend Section 290.3 of, and to amend, repeal, and add Section 290 to, the Penal Code, and to amend Section 761 of the Welfare and Institutions Code, relating to crimes.

[Approved by Governor October 2, 1985. Filed with Secretary of State October 2, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

SB 888, Seymour. Crimes: registration of sex offenders.

Existing law requires sex offenders, including persons who have been convicted of committing certain acts of rape, and acts of solicitation to engage in or engaging in lewd or dissolute conduct in public places, within 14 days of coming into any county, city, or city and county in which the person resides or is temporarily domiciled for that length of time, to register with the chief of police of the city in which the person resides or the sheriff of the county if he or she resides in an unincorporated area. Failure to properly register is a misdemeanor. Any person convicted of specified crimes who violates the registration provisions is required to serve not less than 90 days in county jail.

This bill would delete the acts of lewd or dissolute conduct from the above, but it would include certain other acts of rape and certain other sexual acts, including rape, done in concert with another person by force or violence either personally or by aiding or abetting the other person, within the category of offenses which must be reported to local law officials and for which failure to properly register constitutes a misdemeanor. It also would include additional acts of rape within the specified crimes conviction of which, in connection with failure to register, requires a minimum 90-day jail sentence. It thus creates state-mandated local programs by increasing the level of service required of local government under an existing program and by changing the definition of existing crimes.

This bill would revise the duties of various officials, including local officials, concerning certain forms relating to the discharge, parole, or release of persons required to register as sex offenders, thus establishing a state-mandated local program.

The bill would provide that the registration requirement also is applicable to a person discharged or paroled from the Youth Authority on or after January 1, 1986, who was adjudged a ward of the juvenile court on the basis of commission of any of certain sexually related offenses, thus establishing a state-mandated local program by expanding the category of persons to which a criminal penalty is applicable. On January 1, 1988, the registration

requirement would be deleted as to one of those offenses. The bill would provide that the registration requirement would terminate upon the person's attainment of the age of 25 and would provide for the destruction of the registration information, as specified.

The bill also would require the Department of Justice to conduct a specified study on the registration of sex offenders, contingent upon the appropriation of funds therefor, as specified. It also would require the Department of Justice to conduct a study of the effectiveness of, and the justification for, the inclusion of a certain offense among the crimes for which a person committed to the Youth Authority by the juvenile court must register as a sex offender.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000, shall be payable from the State Mandates Claims Fund.

This bill also would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 290 of the Penal Code is amended to read:  
290. (a) Any person who, since July 1, 1944, has been or is hereafter convicted in this state of the offense of assault with intent to commit rape or sodomy under Section 220, or of any offense defined in subdivisions (1), (2), (3), (4), and (5) of Section 261, or of any offense defined in Section 264.1, 266, 267, 285, 286, 288, 288a, 289, or 647a, subdivision (d) of Section 647, or subdivision 1 or 2 of Section 314, or of any offense involving lewd and lascivious conduct under Section 272; or any person who since that date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since that date or at any time hereafter is discharged or paroled from a penal institution where he or she was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since that date or at any time hereafter is determined to be a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code; or any person who has been since that date or is hereafter convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses, shall, within 30 days

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✓ STATES WITH CONSTITUTIONAL  
"RIGHT TO PRIVACY" PROVISION

STATUTES AND LEGISLATION REGARDING MANDATORY SUBMISSION TO BLOOD  
TESTING/DATABANKING

- ✓ 1. ARIZONA - ARIZ. REV. STAT. ANN. 31-281 (1990);
- ✓ 2. CALIFORNIA - CAL. PENAL CODE 290.2 (1990);
3. COLORADO - COLO. REV. STAT. 17-2-201 (1990);
- ✓ 4. FLORIDA - FLA. STAT. ANN. 943.325 (1990);
5. GEORGIA - CODE OF GEORGIA 24-4-60 (1992);
- ✓ 6. HAWAII - HAWAII REV. STAT. ANN. 706-503 (1992);
- ✓ 7. ILLINOIS - ILL. REV. STAT. Ch. 38-5-4-3 (1990);
8. INDIANA - IND. CODE 20-12-34.5 et. seq. (1990);
9. IOWA - IOWA CODE ANN. 13.10 (1990);
10. KANSAS - 1991 KANSAS LAWS Ch. 92 (S.B. No. 329);
11. KENTUCKY - 1992 KENTUCKY LAWS Ch. 175 (HB 631);
- ✓ 12. LOUISIANA - LOUISIANA REV. STAT. 15:535 (1991);
13. MICHIGAN - MICH. COMP. LAWS. ANN. 750.520m (1990) (effective  
10/1/91);
14. MINNESOTA - Minn. STAT. ANN. 609.3461 (1990);
15. MINNESOTA - MINN. STAT. ANN. 299C.155 (1990);
16. MISSOURI - MISSOURI STAT. ANN. 650.050 (1991);
17. NEVADA - NEV. REV. STAT. 176.111 (1990);
18. OREGON - OREGON REV. STAT. 181.085 (1991);
19. SOUTH DAKOTA - S.D. CODIFIED LAWS. ANN. 23-5-14 et. seq.  
(1990);
20. TENNESSEE - TENN. CODE ANN. 38-6-113 (1991);
21. VIRGINIA - VA. CODE 19.2-310.2 (Code of 1950 as amended,  
1990); and
- ✓ 22. WASHINGTON - Wash. Rev. Code 43.43.732 et. seq. (1990).

# Alaska State Legislature

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February 26, 1993

## MEMORANDUM

TO: Representative Brian Porter

FROM: Gordon S. Harrison, Director 

RE: **The Right of Privacy in State Constitutions**

You about state constitutional guarantees of the right to privacy. Alaska is among ten states with an explicit constitutional right of privacy. The ten states are Alaska, Arizona, California, Florida, Hawaii, Illinois, Louisiana, Montana, South Carolina and Washington. Several states have a statutory right of privacy. Attached is a summary of state and federal privacy laws (constitutional and statutory) compiled by Robert E. Smith, publisher of the *Privacy Journal*.

Attachment

**COMPILATION OF STATE  
AND FEDERAL PRIVACY LAWS**

1992 Edition

By  
**ROBERT ELLIS SMITH**

With James S. Sulanowski

**Published by PRIVACY JOURNAL**  
An Independent Monthly on Privacy in a Computer Age

## PRIVACY STATUTES/STATE CONSTITUTIONS (Including the Right to Publicity)

Alaska—"Right of Privacy. The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section." Art. 1, sec. 22, Alaska Constitution, 1972.

Arizona—"Right to Privacy. No person shall be disturbed in his private affairs, or his home invaded, without authority of law." Art. II, sec. 8, Ariz. Constitution, 1912, as amended.

California—"All people are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety, happiness, and privacy." Art. I, sec. 1, Cal. Constitution, Nov. 1972. State courts thus far have interpreted this state right to privacy as identical to the federal right to privacy recognized by U.S. Supreme Court decisions.

Any person who knowingly uses another's name, voice, or likeness in a commercial way, without consent, is liable for damages. Heirs and descendants have property rights in certain commercial uses of a deceased celebrity's name, voice, signature, or likeness for 50 years after death. Cal. Civil Code sec. 990 and 3344.

Delaware—Violation of privacy is a class A misdemeanor. Del. Code. tit. 11, sec. 1335.

Florida—"Searches and Seizures. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. Articles or information obtained in violation of this right shall not be admissible in evidence." Art. I, sec. 12, Fla. Constitution, 1968.

"Every natural person has a right to be let alone and free from governmental intrusion into his private life except as otherwise provided for herein. This section shall not be construed to limit the public's right of access to public records and

meetings as provided by law." Art. I, sec. 23, approved in 1980 election.

A person has a right of action in court for the unauthorized use of his or her name or picture for commercial advantage. Fla. Stat. Ann. sec. 540.08

No person shall have more than one choice of venue for damages for invasion of privacy. Sec. 770.05. Adverse judgment in any jurisdiction bars any other action founded on same publication. Sec. 770.06. Cause of action for damages shall be deemed to have accrued at the time of the first publication. Sec. 770.07.

Georgia—Illegal to invade privacy and illegal to be a "peeping Tom." Ga. Code Ann. sec. 26-3002.

Hawaii—Art. 1, sec. 6 of the constitution provides for a right to privacy. Sec. 7 protects against unreasonable searches and seizures.

Illinois—"Searches, seizures, privacy and interceptions" provision is similar to Florida's. Art. I, sec. 6, Ill. Constitution, 1970. "Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly." Art. I, sec. 6 and 12.

Actions for publication of matter that violates the right to privacy must be commenced within one year. Ill. Ann. Stat. ch. 83, para. 14.

Kentucky—"The traditional right of privacy terminates at death but the right of publicity, which is the right of protection from appropriation of some element of an individual's personality from commercial exploitation, does not terminate [until 50 years after] death." Ky. Rev. Stat. sec. 391.170.

Louisiana—"Right to Privacy. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches and seizures, or invasions or privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purposes or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in

the appropriate court." Art. I, sec. 5, La. Constitution, 1975.

Illegal to be a "Peeping Tom," defined as "one who peeps through windows or doors, or other like places, situated in or about the premises of another for the purpose of spying upon or invading the privacy of persons spied upon." La. Rev. Stat. sec. 14:284.

Maine—"1. A person is guilty of violation of privacy if, except in execution of a public duty or as authorized by law, he intentionally:

"A. Commits a civil trespass on a property with intent to overhear or observe any person in a private place; or

"B. Installs or uses in a private place without consent of a person entitled to privacy therein, any device for observing, photographing, recording or broadcasting sounds or events in that place; or

"C. Installs outside a private place without consent, any device for hearing sounds that not ordinarily be audible.

"2. 'Private place' means a place where one may reasonably expect to be safe from surveillance but does not include a place to which the public or a substantial group has access." Me. Rev. Stat. Ann. tit. 17-A, sec. 511.

Massachusetts—"A person shall have a right against unreasonable, substantial or serious interference with his privacy." Courts may award damages for violations. Mass. Gen. Laws Ann. ch. 214, sec. 1B. State law explicitly recognizes the "misappropriation" right of action. Ch. 214, sec. 3A.

Montana—"Right of Privacy. The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest." Art. II, sec. 10, Mont. Constitution, 1972.

Nebraska—Since 1979, the state has recognized the traditional rights of action for invasion of privacy: intrusion, portrayal in a false light, and misappropriation of a person's image or name. One-year statute of limitations. Neb. Rev. Stat. sec. 20-201-211.

New York—First paragraph of the state's constitutional provision on privacy is identical to the Fourth Amendment of the U.S. Constitution. The second paragraph is as follows: "The right of the people to be secure against unreasonable interception of telephone and telegraph

communications shall not be violated, and ex parte orders or warrants shall issue only upon oath or affirmation of that there is reasonable ground to believe that evidence of a crime may thus be obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the purpose therefor." Art. I, sec. 12, N.Y. Constitution, 1938.

State law recognizes the "misappropriation" tort (or "right of publicity"). N.Y. Civil Rights Law, sec. 50 (McKinney).

Oklahoma—State law recognizes the "misappropriation" right of action. Okla. Stat. Ann. tit. 21, sec. 839.1.

The right of publicity is extended to 100 years beyond the death of the individual. Tit. 12, sec. 1448-9.

Pennsylvania—Among the "inherent rights of mankind" is "acquiring, possessing and protecting property and reputation." Pa. Constitution Art. 1, sec. 1.

Rhode Island—"It is the policy of this state that every person in this state shall have a right to privacy," which includes freedom from intrusions, from appropriation of one's name or likeness, from "unreasonable publicity given to one's private life," and from "publicity that reasonably places another in a false light before the public." R.I. Gen. Laws sec. 9-1-28.1, enacted in 1980.

South Carolina—Art. 1, sec. 10, S.C. Constitution, 1970, prohibits unreasonable searches and "unreasonable invasions of privacy."

Tennessee—The right of publicity extends 10 years after the death of an individual "whether or not such rights were commercially exploited by the individual during the individual's lifetime." Tenn. Code Ann. sec. 47-25-1101 to 1108.

Texas—The right of publicity for celebrities extends beyond death. Tex. Stat. tit. IV, ch. 26, sec. 26.001.

Utah—"Offenses against privacy" law resemble Maine's. Utah Codes Ann. sec. 76-9-401. Utah recognizes the "misappropriation" tort. Sec. 76-4-8.

Virginia—By statute, the "right of publicity" is recognized. Va. Code sec. 8.01-40.

Washington--Provisions identical to Arizona's. Art. I, sec. 7, Wash. Constitution, 1889, as amended.

Wisconsin--The state recognizes the right to sue for an invasion of privacy, except for a disclosure that holds you in a "false light." Wis. Stat. Ann. sec. 893.19(10) and 895.50.

Federal law--The Lanham Act on trademark registration states, "No trademark by which the goods of the application may be distinguished from the goods of others shall be refused registration on account of its nature unless it (a) consists of or comprises immoral, deceptive or scandalous matter, or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute...(c) consists of or comprises a name, portrait or signature identifying a particular living individual except by his written consent." 15 U.S.C. 1052(a). Forty-six states have similar language in their trademark laws. These provisions affect registration, but not misuse alone, of another person's name.

Note: Most states recognize the concept of a right to privacy in their common law, with the apparent exception of Minnesota, Nevada, North Dakota, and Wyoming. Only Minnesota rejects the right of privacy, either in its statutes or case law.

# The Anchorage Times

## Juneau's dirty laundry

NO NEED to wait for all the sordid details leading up to Sen. George Jacko's demonstration of poor judgment and outrageous behavior the other morning. The mess already is ugly and embarrassing.

A cynic might say it is only because the Democrat from Pedro Bay betrayed his party by joining Republicans to organize the Senate that he now finds himself being castigated in the press by colleagues like Senate Minority Leader Jim Duncan.

Politics might also account for why the co-author of the new ethics law, Rep. David Finkelstein, proclaimed Sen. Jacko "guilty" — before any ethics committee inquiry and in contradiction of the new law.

Most Alaskans, however, will say the Jacko affair, ill-conceived police call and all, is just one more piece of the Legislature's disgusting, dirty laundry that gets aired from time to time. The debauchery associated with a typical session in our state capital is legendary.

Usually, stories of extramarital affairs make it no further than the gossip column, reported as which staffer happens to be the "main squeeze" of which legislator, or who's a traveling companion (wink-wink) of whom, or a snide remark about which lawmaker is spending time on another's couch. Lobbyists and reporters make it into the rumor mill, too.

Add to this, the junkets, the fund-raisers and the wheedling-dealing between lawmakers and the fat cats who write the big checks — and you wind up with enough dirty laundry to sink a Laundromat.

It's laughed off. It shouldn't be.

Certainly, not all legislators or staff participate in the bacchanal circus, nor are the indiscretions limited to occupants of the state Capitol building.

But the attention now being given the Jacko incident provides an opportunity for legislators to take a good look at themselves, their image and their purpose — then to do something about it.

The new ethics law is where to start.

The Legislature should expedite confirmation of the members of the ethics panel and empower them to do their job.

Alaskans will be watching to see how the panel handles this case as well as investigating allegations by a former girl friend against Sen. Dave Donley.

Rebuilding public trust in state government may well hinge on how well the new ethics committee does its job.

1.21.93

## Registration time

### A tool for controlling sex offenders

Last year, Rep. Fran Ulmer of Juneau introduced a bill requiring sex offenders to register with the nearest state trooper office once they get out of prison. The bill passed the House but never made it to the Senate floor, though it reportedly had strong support there.

About 500 of Alaska's 2,500 prison inmates are sex offenders, mostly child molesters and rapists. Some, but not all, go through treatment, but no one can say for certain that treatment "cures" these criminals of their deviant behavior. So how, when they're released — and they are, eventually, released — do we stop them from raping and molesting again?

Registration is not a cure, but it is a tool. Police in other states (about a third require registration) believe that registration can deter offenders from committing another crime, or allow law enforcement to intervene before a potential victim is harmed. Sex offenders who don't register and are found under suspicious circumstances can be prosecuted for failure to register. And, in a worst-case scenario, the information from registration can help troopers investigate crimes that have taken place.

Registration laws, for the most part, are new. We don't know how well they've worked to prevent or help solve sex crimes. We do know that they've withstood legal challenges and that compliance is surprisingly high. And we believe, given the seriousness and prevalence of sex crimes, they're worth trying.

# Haire indicted on 10 sexual abuse charges

STEVE PILKINGTON

STAFF WRITER

A grand jury indicted a 36-year-old Anchorage man Tuesday on 10 charges of sexual abuse, extortion and providing drugs to juveniles in recent months.

Russell D. Haire, who was arrested earlier this month, remains in custody on \$20,000 bail and faces more than 20 additional charges of sexual abuse of minors and tampering with a witness.

Prosecutors have said they will file more charges related to molestation.

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Prosecutors said the ages of the alleged victims range from 7 to 13.

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Prosecutors said the ages of the alleged victims range from 7 to 13 and include boys and girls. Three children were listed as witnesses before the grand jury Tuesday.

The case began after police said a 10-year-old girl on Feb. 4 told the principal of North Star Elementary School that she witnessed Haire having sex with some of her friends. The charges

accuse Haire of criminal conduct between November 1991 and February 1992.

Haire is accused of taking nude photographs of some of the children, having sex with them, showing them pornographic movies in his Campbell Place home and distributing marijuana to a minor.

Haire told police when he was arrested two days later that he

had pictures of nude children in his possession, but he denied taking them, court records show.

Prosecutors said Haire eventually could face charges of criminal conduct with as many as 17 children.

A District Court judge on Feb. 11 refused to release Haire to his father's custody. The judge also refused a prosecutor's request to raise Haire's bail.

Haire is scheduled to be arraigned today on the 10-count indictment in Anchorage Superior Court before Judge Rene Gonzalez.



Russell D. Haire

# 2340 Judge upholds sex offender registration

By Christopher Jarvis  
Journal American Staff Writer

The state's sex-offender registration law applies to people convicted of sex crimes before the law went into effect, a King County Superior Court judge ruled Tuesday.

The decision by King County Superior Court Judge Arthur Pichler cleared the way for the trial of Kenneth James White, a 26-year-old man convicted of molesting a 6-year-old boy in 1987, two years before the requirement became law.

When White was released from the Washington State Penitentiary in November 1990, he told authorities he planned to move into a house in Bellevue.

He did not register with the King County police. Since his release, he has lived primarily on the streets or in shelters. He currently is in the King County Jail.

White now becomes the first person to go to trial in King County accused of a felony charge of failing to register as a sex offender.

Defense attorney Gary Nacht had argued that White shouldn't have to register because his crime occurred before the Community Protection Act of 1990 went into effect.

He said the law is unconstitutional if it applies to people convicted before the law was on the books, because it adds punishment to the 31-month prison sentence White served.

To register is an added burden that could draw public attention. That, Nacht argued, could bring about additional punishment in the form of harassment, as it has in other cases.

"These things have happened and you have to speculate they will happen again," he said. To apply it to people convicted before the law existed amounts to a "scarlet letter" being pinned unfairly on White, Nacht said.

Increasing punishment after the fact, he said, has been ruled unconstitutional in court decisions dating back to the 18th Century.

Upon White's release from prison, "he was to be a free man. He was to be able to put this incident behind him and get on with his life," Nacht said.

King County Deputy Prosecutor Kyle Aiken disputed Nacht's contention, saying the law is not punishment but merely allows police to know the whereabouts of former offenders.

In addition, it is no more punishment than the state Department of Licensing's regulation that people should report a change of address.

Among other things Nacht is expected to argue in the trial, which is being heard without a jury, is that White failed to receive adequate notice upon his release that he was required to register.

Bellevue, WA  
(King Co.)  
Journal American  
(Cir. D. 30,000)

JAN 22 1992

Allen's P. C. B. Est. 1888

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Russell D. Haire

# Alleged molester freed, rearrested

By A.J. HOSTETLER  
The Associated Press

PHILADELPHIA — A man with AIDS who may have paid hundreds of boys and young men to have sex with him was rearrested Saturday night after two more teen-agers made allegations against him, police said.

The man known to many as "Uncle Ed," was back in custody Saturday evening, less than a day after he posted 10 percent of his \$3 million bail. He was first arrested Wednesday.

Lt. James Mooney of the Sex Crimes Unit said the two latest accusers were "Uncle Ed" bring to four the number of teen-agers who have made allegations.

Mooney said police have identified other youths and he expects additional charges will be filed as the investigation continues.

District Attorney Lynne Abraham, who Friday announced the arrest, said her office signed an agreement with the suspect and his lawyer letting officials say he was an AIDS victim so those who had sexual



contact with him could take appropriate steps.

Abraham wouldn't release the suspect's name because of a state AIDS confidentiality law, but a court official speaking on condition of anonymity identified him as Edward Savitz, 50, and one of his lawyers, Steve Lacheen, confirmed that Saturday.

AIDS telephone hot lines were inundated after Friday's announcement. A police mug shot of the man was released, and a hot line operator said some callers recognized the man as someone they knew more than a decade ago as "Fast Eddle."

One of the suspect's lawyers on Saturday disputed allegations of dangerous sexual conduct and complained that reports of the arrest were feeding "AIDS hysteria."

Savitz faces a preliminary hearing Wednesday on charges of involuntary deviate sexual intercourse, sexual abuse of children, indecent assault and corrupting the morals of a minor.

Neighbors gave authorities information that led to his arrest, Abraham said. Afterward, he admitted he has had AIDS for at least one year.

Local AIDS hot lines were jammed. "There were 300 to 400 calls packed into a couple of hours," Francis L. Stoffa Jr., executive director of the AIDS Task Force

# 2340 Judge upholds sex-offender registration

By Christopher Jarvis  
Journal American Staff Writer

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He did not register with the King County police. Since his release, he has lived primarily on the streets or in shelters. He currently is in the King County Jail.

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Bellevue, WA  
(King Co.)  
Journal American  
(Cir. D. 30,000)

JAN 22 1992

Allen's P. C. B. Est. 1888

Monroe, WA  
(Snohomish Co.)  
Monroe Monitor  
(Cir. W. 3,500)

JUN 19 1991

Allen's P. C. B. Est. 1888

## Numerous sex 2071 offenders reside in Sno. county

The Snohomish County Sheriff's Office recently reported that 350 sex offenders are registered in the county.

A bill was passed in February requiring sex offenders to notify local law enforcement agencies when they are released from custody and take up residence in a community. Offenders have been and will be arrested for failure to register in Snohomish County.

Of the 350 sex offenders registered in the county, 160 live in unincorporated areas and 190 live in various cities and towns. The vast majority of the sex offenders reside along the I-5 corridor, where the majority of the general population also resides.

The sex offender law accomplishes several things. It provides, through registration, a degree of sex offender monitoring after the offender is no longer in state custody or under some sort of state supervision. The law provides a forum through which the public can be reasonably informed about sex offenders and about specific offenders who may pose a continuing threat to the community.

The data bank of registered offenders also provides investigators with potential resource information if a registered offender should re-offend.

The sheriff's office said the public should not be lulied into a false sense of security by assuming that all sex offenders are either in custody or registered with a law enforcement agency. Sex offenders, known and unknown, remain at large and still pose a threat within their own family circles and within the community at large.

Examples of how this  
community have  
used the law -

Tacoma, WA  
(Pierce Co.)  
Tacoma News Tribune  
(Cir. D. 108,436)  
(Cir. S. 120,490)

JUN 30 1991

Allen's P. C. B. Est. 1888

## Kent-area group 2091 strikes a deal with sex offender

By Gestrin Suttle  
The News Tribune

A Kent-area block-watch group has struck a deal with a convicted sex offender living in its neighborhood: find him a job, and he will obey the rules.

The 22-year-old man arrived at the Timberlane community this month after serving about 1½ years in a state penitentiary for raping a 16-year-old girl at knife point in 1988, said King County Lt. David Maehren.

The man's arrival alarmed community members, who formed the block-watch group primarily to figure out what to do about his presence, said Lori Herrboldt, one of 22 captains in the neighborhood group.

Block-watch members decided to help the man instead of shun him because "if he's chased out of the area, he's just going to go somewhere else," Herrboldt said.

"If we can turn him around, that will make him an asset to us rather than a threat," she added.

The man has agreed not to go near children for any reason, and he will accept counseling if a counselor can be found, Herrboldt said.

In return, community members will do their best to find him a job.

Herrboldt will accompany him on interviews next week to show potential employers he has community members' support, she said. Although the agreement has a lot of support, some block-watch members "still want to shoot him," Herrboldt said.

But most residents agree it is in their best interest that the offender is working; that way, he is easier to keep track of, she said.

"We wanted to know he was behaving himself ... how he was spending his time," she said.

Maehren commended the block-watch group's response to the offender's presence. Many neighborhoods, he said, would attempt to drive the man out of town.

The Timberlane group's response is "much more constructive, and we're pleased with that," he said.

Maehren also said the group's display of optimism is necessary because "when you're dealing with difficult problems, you often have to be optimistic."

But Maehren cautioned that the community should not be so optimistic that it fails to guard against the offender's presence.

The group should "temper that (optimism) with some realism," he said.

# Prices Beat!



## ABUSE

(Continued from Page A-1)

Collins and Lyman Hoffman also introduced similar bills.

Boyer said he and other legislators have been bombarded with mail on the issue.

He began researching the statute of limitations after a victim here pointed out the problem to him. "At first I was skeptical because of all the national media attention given to people like Roseanne Barr, but once I looked at the issue and did the research, I thought, boy, this was serious."

### What's fair?

However, not everyone is pleased at the thought of an increase in the statute of limitations on sex abuse crimes. Assistant Public Defender Paul Canarsky, who defended McGlauffin, said the change would be costly to the state and unfair to defendants.

Canarsky said defendants would have to rely on old evidence. He also predicted that the prosecutors would use already scarce funds to try old cases. Prosecutors would decline more current cases, he said.

"The thing about the statute of limitations, though, is that it also embodies a common sense approach," he added. "Unless it's something really, really serious like murder, the mistakes a person has made in the past should be left behind them."

Canarsky said he objects to special rules for a class of crimes. The statute of limitations for most crimes is five years. There is none for murder.

Law enforcement officials say they would welcome a change in the rules. They said the additional cases would not be too expensive or time-consuming.

Karis Taylor Welch, the assistant district attorney who prosecutes sex abuse cases here, said that in the past year there were four cases in which she could not prosecute individuals on alleged crimes because of the statute of limitations. Two of the men, including McGlauffin, were convicted on other sexual abuse charges, but two of the men remain free.

In McGlauffin's case, Welch said, it would have been easy to convict, because McGlauffin saved hundreds of photos that he took of the boys and girls he molested.

Alaska State Trooper Sgt. Jim McCann, who investigated the McGlauffin case, said he routinely learns of abuse cases in which the statute of limitations has expired. "That sort of thing happens all the time, we're getting more and more," he said.

"It hurts, and it's not very easy for us to look into the eyes of the victim that sits before us and say 'I'm sorry there's nothing for us to do.'"

McCann disagrees with a statute of limitations on any crime.

"What do we owe this perpetrator?" he asked. "Why is it not fair if we can prove 10 or 15 years later that he's a pedophile. If we can make the case, who cares?"

## OLYMPICS

(Continued from Page A-1)

disappointments in '84 and '88, the one-man ski squad from Luxembourg claimed two medals here, a first and a second.

# Ketchikan man charged with sexual abuse of minors

ASSOCIATED PRESS

**KETCHIKAN** — A grand jury has charged a Ketchikan man with 24 counts of second-degree sexual abuse of a minor and related charges.

Richard Dunker, 39, was charged with bringing six boys, aged 11 to 16, to his apartment, giving them alcohol, tobacco and money and trying to get them to have sex with him and pose for videotaping sessions.

The grand jury returned the

indictments on Friday.

Dunker was arrested March 19. He was jailed on \$100,000 bail. If convicted, he could receive more than 70 years in jail.

The charges included second-degree sexual abuse of a minor, attempted sexual abuse of a minor, indecent exposure, contributing to the delinquency of minors, unlawful exploitation of minors and attempted exploitation of minors.

Five minors testified to the grand jury, along with Ketchikan

Police Officer Dale Young and police Lt. Michael Hunter.

According to an affidavit filed in support of a search warrant, the investigating officer interviewed at least two of the boys. One said Dunker gave him wine coolers and paid him to lie on the floor naked with another teen-aged boy and sit in his underwear. The boy said Dunker would show pornographic videotapes to the boys in his apartment.

Dunker paid one boy \$20 to watch a video of men engaged in

sex acts and asked the boy if he would like to do those things with him.

It was not immediately known if any of the minors agreed to the sex acts.

"He told (the boy) that it wasn't so bad," Jacobson wrote. Dunker paid the boy to allow Dunker to videotape him with his clothes on, the boy said.

Dunker had the boy visit his apartment 50 times, the boy said, but also told him to come to his boat.

"Dunker wanted his relationship with the boys to be secret from his girlfriend with whom he shares an apartment," Jacobson wrote.

"(The boy) told me that Dunker masturbates while the boys are present, and does this while watching the pornographic videos. He was naked in front of (the boy) on one occasion and on another occasion he flashed him showing his genitals," Jacobson wrote.

According to court records,

Dunker told two of the boys that if they knew any pretty young girls that wanted to be videotaped, to bring them to the apartment.

"He recruited pretty young ones that were about 6- or 7-years-old," Jacobson wrote.

Another young boy told detective Young that he had been offered beer but did not drink it. He said he was offered \$25 to be videotaped nude on several occasions but did not agree to it.

## Revamp of

Feb. 23<sup>rd</sup>



Associated Press

event Thursday, joined long-track speedskater as the only two American double-medal winners at the 1982 Winter Olympic Games.

## winners, losers

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### MEDALS

Through Saturday

	G	S	B	T
Germany	10	10	8	28
Unified Team	8	6	8	22
Austria	6	7	8	21
Norway	8	8	5	20
Italy	4	8	4	14
United States	8	4	2	11
France	3	5	1	9
Finland	3	1	3	7
Japan	1	2	4	7
Canada	2	2	2	6
South Korea	2	1	1	4
The Netherlands	1	1	2	4
Sweden	1	0	3	4
Switzerland	1	0	2	3
China	0	3	0	3
Luxembourg	0	2	0	2
Czechoslovakia	0	0	2	2
New Zealand	0	1	0	1
North Korea	0	0	1	1
Spain	0	0	1	1

□ Olympics coverage,  
Page C-4

# Time doesn't heal trauma

## Victims of sex abuse hit time limit on prosecutions

By ANNA FARNESKI  
Staff Writer

As the white-haired man sat at the defense table, leaning forward to hear the judge's comments, tears welled in the eyes of a 28-year-old woman sitting alone in the courtroom visitors' gallery.

The droplets rolled down her face, over the dark circles beneath her blue eyes. She wiped the tears on her skirt. Her gaze returned to the scholarly-looking man.

Attending George "Bill" McGlaufflin's sentencing hearing in late January was as close as the young woman will ever get to justice. McGlaufflin cannot be punished for what he did to her when she was 9 years old.

A boarder at her parents' home, McGlaufflin befriended her, treated her like a daughter . . . and then like a mistress. He showered her with gifts and attention, but robbed her of her childhood.

McGlaufflin, 64, was sentenced to eight years in jail Jan. 23 after a judge earlier found him guilty of raping and sexually abusing a 5-year-old girl—not the woman in court—between 1981 and 1983.

Based on evidence from the state and pornographic photos of young boys and girls shot by McGlaufflin, the prosecutor estimated that the retired laborer sexually abused at least three other young children in the mid-1970s in Fairbanks. But McGlaufflin, 64, could not be prosecuted for those alleged crimes because the statute of limitations on the crimes prevents the state from filing charges.

The young woman who wept silently was one of the girls in the photographs—McGlaufflin admitted to the crime in court and in a letter to the judge.

"It's like we don't matter," the woman said in an interview later. "Why don't we matter?"

According to mental health experts, victims of childhood sexual abuse are often so traumatized by the abuse that they repress the memories for years. In the interim, they are often plagued with depression, anger, food disorders, drug and alcohol abuse and suicidal tendencies.

Often, their minds do not allow them to recall the events, or deal with them, until they are mature adults. By that time, the state cannot prosecute, so the perpetrator remains free.

Advocates for victims of sexual assault and sex abuse throughout the state want the statute of limitations for prosecution lengthened, and they have gone to the Legislature for help.

At his hearing in January, McGlaufflin asked the judge for leniency. He has heart problems,

**The numbers**

Alaska's sex abuse rate is six times the national average, according to the state Division of Family and Youth Services.

Alaska: One of every 105 children is abused.

Nation: One of every 633 children is abused.

he said, and he hasn't touched a child since 1983. His niece, a speech writer for President George Bush, sent the judge a letter asking for a light sentence. She used White House letterhead.

McGlaufflin's attorney said the man has rehabilitated himself.

Despite his conviction, McGlaufflin adamantly denied any misconduct with children, with one exception. He admitted to sexual relations with the 28-year-old woman at the sentencing hearing, who is referred to as "R" in the court record.

With "R," McGlaufflin said, he was able to "experiment to my heart's content. She was a very loving, responsive, imaginative young person."

But the grown woman doesn't associate such feelings with the experience. While growing up after that time, she always thought nobody liked her. Even now, intimacy with her husband is difficult. Despite help from a therapist, she has nightmares and often cannot sleep.

Sex abuse victims in Fairbanks, including McGlaufflin's 28-year-old victim, have gathered more than 400 signatures from Fairbanks residents supporting a bill to change the statute of limitations.

Under current state law, a victim must report the crime before his or her 17th birthday and within 10 years of the offense, or the state cannot prosecute. Compared to other states, Alaska's statute of limitations on sex abuse is short, according to legislators and advocates for victims.

The topic is "hot one" in Juneau these days, legislators said. National attention focused on the issue last year after celebrities, such as comedian Roseanne Arnold announced they had been sexually abused as children.

"It's topical and there's a lot of interest and support," said Rep. Mark Boyer, D-Fairbanks. "My guess is we'll see a change in the statutes."

Boyer's HB 379 would remove any time limitation on reporting sexual abuse. It would also raise the age of consent from 16 to 18. Sens. Arliss Sturgulewski, Virginia

(See ABUSE, Back Page)

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## 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.