

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

969

HB

119

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 8, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/19/93

The FINANCE Committee considered:
HOUSE BILL NO. 119

HB 119

AUTHORIZE USE OF DAY FINES IN MISD. CASES

"An Act authorizing a sentencing court to impose a sentence of a day fine instead of a sentence of imprisonment on a defendant convicted of a misdemeanor; directing the Alaska Supreme Court to develop and implement a day fine plan; requiring the Department of Corrections to report to the legislature on the use of day fines; amending Alaska Rule of Criminal Procedure 32; and providing for an effective date."

RECOMMENDATIONS:

be replaced with _____

CS HB 119 (Jud)

[] the same title

[X] a new title

[] have attached amendments(s)

[X] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[X] fiscal note(s) Govt 3/10/93

PS, 4/8/93 Law 3/29

[X] zero fiscal note Hess

4 [X] zero fiscal note(s) Admin (2) 4/9/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Eden D. Maclean</u> Maclean		<u>Mark Stanley</u> Stanley		X	
<u>Ronald J. Larson</u> Larson	X	<u>Terry Martin</u> Martin		X	
<u>Ben Gussendorf</u> Gussendorf	X	<u>Ken Parnell</u> Parnell		X	
<u>Lyne Hoffman</u> Hoffman		<u>Gene Therrault</u> Therrault		X	
<u>Mike Savare</u> Savare					
<u>Tan Brown</u> Brown					
<u>Richard Foster</u> Foster	X				


 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 65(JUD)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to licenses, certificates, BRU: Medial Assitance
and permits administered and fees charged...* Component: Medicaid Non Facility
 Sponsor: House Rules, at Governor's request
 Requestor: _____ COMPONENT SERIAL NO. 0229

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The sections of the original bill that referenced Medicaid support for subsidized adoptions have been removed by the House Rules Committee substitute. The subsidized adoption provisions are now addressed in HB 178.
(Jud)

Prepared by: Dave W. Williams
 Division: Medical Assistance

Phone: 907-465-3355
 Date: 4/16/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health and Social Services

Date: 4-19-93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill No. HB 119

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act authorizing a sentencing court BRU: Trial Courts
to impose a sentence of a day fine... Components: _____
 Sponsor: Ulmer
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	52.5	35.0	35.0	35.0	35.0	35.0
TRAVEL	24.8					
CONTRACTUAL						
SUPPLIES						
EQUIPMENT	2.8					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	80.1	35.0	35.0	35.0	35.0	35.0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	80.1	35.0	35.0	35.0	35.0	35.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	80.1	35.0	35.0	35.0	35.0	35.0

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY	1.0					

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary)
See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228
 Division: Alaska Court System Date: 03/10/93

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 03/10/93
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court System

Fiscal Analysis

HB 119

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
<u>Personal Services</u>			
Law Clerk I, 13D, Anchorage, NPP, 6 months <i>Provide legal research for day fine rule-making committee. One-time cost.</i>	15,912	1,575	17,487
Court Clerk II, 10A, Anchorage, PFT, 12 months <i>Assist judges statewide with income verification: review income tax returns and financial statements and perform credit checks. All judicial inquiries will be processed in Anchorage.</i>	24,012	10,998	35,010
Total personal services			<u>52,497</u>
<u>Travel</u> (one-time cost)			24,825
<i>Committee, appointed by Supreme Court, to develop rule on day fines. Committee will be comprised of two trial judges from each judicial district and two appellate judges. Committee will meet five times with meetings lasting approximately 3 days.</i>			
<u>Equipment</u> (one-time cost for permanent position)			2,800
<i>Desk, chair, computer and facsimile machine</i>			
			<u>\$80,122</u>

Note: The court system is not able to accurately estimate potential revenues from this legislation at this time.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 119 (Jud)

Revision Date: 4/9/93 Dept. Affected: Corrections
 Title: "An Act authorizing a sentencing BRU: Institutions
court to impose a sentence of a day fine..." Component: Institutions
 Sponsor: Representative Ulmer
 Requester: House Judiciary COMPONENT SERIAL NO. _____

Expenditures/Revenues:

(Thousands of Dollars)

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

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING:

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

The Judiciary Committee Substitute removes the Department's responsibility to prepare an annual report and, therefore, results in a zero fiscal note.

Prepared by: Dana LaTour, Special Assistant
 Division: Office of the Commissioner
 Approved by Commissioner: Lloyd G. Rupp, Commissioner
 Agency: Department of Corrections

Phone: 465-3376
 Date: 4-8-93
 Date: 4-8-93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

Revision Date: _____
Title: "An Act authorizing a sentencing court to impose a sentence of a day fine on a defendant convicted of a misdemeanor . . ."
Sponsor: Representatives Ulmer, Davis, Davies, Brown
Requestor: (H) STA

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

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: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: John Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: _____

Approved by Commissioner: Nancy Bear Userra
Agency: Administration

Date: 3/8/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act authorizing a sentencing court to impose a sentence of a day fine on a defendant convicted of a misdemeanor . . ." BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: Representatives Ulmer, Davis, Davies, Brown
 Requestor: (H) Sta 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 OPEKATING	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 Usher Date: 3/8/93
 Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

Revision Date: March 8, 1993
 Title: "...authorizing a sentencing court to impose a sentence of a day fine instead of imprisonment..."
 Sponsor: Representative Ulmer
 Requestor: Representative Ulmer

Department Affected: Department of Law
 BRU: Legal Services
 Component: Operations
 COMPONENT SERIAL NO. 0093

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						
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REVENUE FUND SOURCE:						
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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 attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: March 8, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law

Date: March 8, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

ANALYSIS (Continued):

This bill would amend the sentencing provisions in the state's Code of Criminal Procedure, AS 12.55, to establish a system of day fines as an intermediate punishment alternative to short-term incarceration and probation supervision. Under the bill, defendants convicted of non-violent misdemeanors could be sentenced to fines based upon the severity of the offense, a defendant's criminal history, and a defendant's daily income, as adjusted for a defendant's ability to pay the fine. The bill does not repeal existing misdemeanor sentencing provisions, but rather it provides an alternative to those provisions.

Section 5 of the bill would provide that a sentence imposing a day fine shall be considered a civil judgment for the day fine. And the section further provides that the Department of Law shall enforce the judgment and may utilize any procedure available for the enforcement of civil judgments. If the department uses the civil process of the court to enforce or collect a day fine, the department would be awarded costs and attorney fees.

The Department of Law's collections unit currently collects unpaid criminal fines and was recently assigned the responsibility for collecting unpaid legal fees for state-provided criminal defense. The costs for these collections has averaged about one-third of the amount collected. However, the cost ratio for collection is expected to diminish as collections increase, and as collections procedures become more efficient, including establishment of electronic interfaces between the courts and the Department of Law, and between the Department of Law and the Department of Revenue.

At this point we are unable to determine if the bill will have an impact for our department. It is not known whether day fine sentencing provisions will result in a change in the number of unpaid fines that we currently handle, nor is it clear whether the amount in arrears will change. The court must undertake a comprehensive effort to develop and implement a day fine program. Consequently, a fiscal impact, if any, will not be known until sometime after the new sentencing provisions have been in effect. It does appear that day fine sentences would help reduce the growing cost of incarceration and supervised probation.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HR 119

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act authorizing a sentencing court to
impose a sentence of a day fine " BRU: Alaska State Troopers
 Sponsor: Representative Ulmer Component: Detachments
 Requestor: House Judiciary COMPONENT SERIAL NO. 799

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

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	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

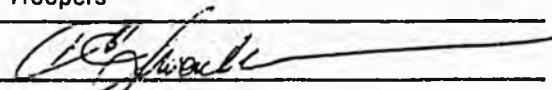
POSITIONS:

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 (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 4/02/93
 Approved by Commissioner:  Date: 4/02/93
 Agency: Richard L. Burton, Dept. of Public Safety

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Back-up



National Institute of Justice

Research in Brief

September 1987

Fines as Criminal Sanctions

Sally T. Hillsman, Barry Mahoney, George F. Cole, and Bernard Auchter

The fine is one of the oldest forms of punishment, its history predating Hammurabi. In 1973 the Task Force on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals found that "properly employed, the fine is less drastic,

far less costly to the public, and perhaps more effective than imprisonment or community service."

Until very recently, this recommendation has gone largely unheeded because too little was known of what

constitutes proper administration of fines. Today, however, with record jail and prison populations and probation caseloads steadily rising, the fine is gaining renewed attention—especially since Western Europe increasingly uses fines even in nontrivial cases.

From the Director

The current options available in sentencing to criminal court judges, either incarceration or release of a convicted felon on probation, leave some caught between Scylla and Charybdis. While States are expanding prison capacity and improving conditions, the majority still operate under court order to relieve crowding conditions and must release prisoners into the community on probation.

This dilemma has created an urgent need to develop an effective range of constitutionally appropriate sanctions which reduce repeated victimization and serve as an effective penalty for those who have been convicted of illegal conduct.

A broad spectrum of sentencing choices was the subject of a National Institute of Justice *Research in Brief* published in January 1985. In it, Pierre S. du Pont IV, then Governor of Delaware, described the tremendous pressure exerted on State resources by corrections policy. As Governor, he developed a "more flexible and effective sentencing structure" for his State, which incarcerates more people per capita than all but two other States.

One of the features of that plan was its use of fines as a basic criminal penalty. In the past fines have been perceived as a more lenient sanction due to failure on the part of authorities to emphasize their collection and because of inequities built into the fine system itself.

The introduction of the "day-fine" concept brought a fair schedule to the assignment of fines. Under the "day-fine" system the number of days reflects the severity of the crime and the seriousness of the offender's prior record; the dollar amount is determined by factoring that number of days with the offender's economic resources, which include income from salary and other assets.

If two offenders with similar prior records (and no particular threat to community safety) were convicted of crimes of equal gravity, they might each be assessed a "5-day fine." If one earned only minimum wage, however, he or she would be fined \$135. If the other earned 10 times as much, the fine would be \$1,350. If both failed to pay the fine, each defaulter would serve the same number of days—5—in jail.

Using a system such as this, courts in Europe have made the fine a serious penalty, one that can be severe enough to constitute real punishment and thus carry a deterrent and rehabilitative message.

One advantage of the fine is that it actually brings money into the justice system, in contrast with the cost of incarceration—which sometimes drains tax resources up to \$35,000 a convicted person per year. In fact, those paying fines are literally paying a debt to society, rather than contributing to existing burdens on State resources. Fines can be combined with other penalties to

meet the specific objective of justice applicable to each offender.

A fine can be combined with restitution, community service, weekend incarceration, assessment of court costs — and with a sentence whose suspension will be revoked if the offender fails to meet all other requirements, including payment of the fine.

This *Research in Brief* summarizes three key research projects on fines as criminal penalties and the applicability of the day-fine system to American courts. The National Institute of Justice is currently funding an experiment in applying a day-fine system to the criminal courts of Staten Island, New York.

Careful use by judges of the option to fine may prove to be a valuable method of truly making the punishment fit the crime. This concept needs to be carefully evaluated to assess whether the reality reflects the intention of equitable punishment under the law before the use of fines is adopted as criminal justice policy.

Criminal justice is too important a field to suffer unintended consequences. Knowledge about practices, to find out what works, is what criminal justice research is all about.

James K. Stewart
Director
National Institute of Justice

sion, they tend to be add-ons to other sanctions. Few judges seem to use the fine alone if the offender has a prior record and the offense is moderately serious.

This contrasts sharply with practices in some Western European criminal courts where the fine is often a sole penalty and is widely used for repeat offenders.

As a policy matter, fines are viewed as an alternative to short-term imprisonment. In West Germany, when new legislation encouraged judges to avoid sentences to imprisonment of 6 months or less, such sentences dropped from 113,000 a year (20 percent of the total) to under 11,000 (1.8 percent) without any increase in longer term imprisonment.

Instead, fine-alone sentences increased from 63 percent of the total to more than 80 percent.¹

Amounts of fines

Most State penal codes set maximum amounts of fines for particular classes of offenses. Within that maximum, judges have wide discretion in setting the amounts of fines. Maximums tend to be low, although legislatures in many States are increasing them in anticipation that judges will need higher amounts to fine better-off offenders.

Fines actually imposed by judges tend to be well below statutory limits, partially reflecting the frequent judicial practice of imposing other monetary penalties as part of the sentence. These include restitution, victim compensation, court costs, directed contributions to governmental or private social agencies, probation supervision fees, and payment for alcohol or drug treatment.

At least 31 States authorize imposition of court costs; 11 States authorize surcharges on fines; 7 States permit "penalty assessments" on offenders. One Texas judge explained why he used fines infrequently: "After paying \$56 court costs, \$10 fee to the Crime Victim Compensation Fund, \$200 public defender fee, and \$100 to \$500 in probation supervision fee, the defendant will be sufficiently punished."

"Tariff systems," however, appear to account more than other factors both for the low amounts imposed as fines in the United States and the limited use of fines as sanctions.

Tariff systems are informal understandings that fixed fine amounts will be imposed on all defendants convicted of a particular offense. These amounts are generally based on what can be paid by the poorest offenders. But the retributive trend in sentencing tends to focus judges' attention on the severity of a crime.

Lacking models of other ways to set fine amounts and also often lacking adequate financial information on defendants, judges apparently limit

Table 2

Types of offenses for which fines are commonly imposed, by type of court

	Limited juris. N = 74	Gen. juris. (felony, misd., and ordinance) N = 28	Gen. juris. (felony only) N = 24	Total N = 126
Driving while intoxicated/DUI	54	22	2	78
Reckless driving	30	9	0	39
Violation of fish and game laws and other regulatory ordinances	24	3	0	27
Disturbing the peace/breach of the peace/disorderly conduct	32	8	1*	41
Loitering/soliciting prostitution	15	4	0	19
Drinking in public/public drunken- ness/carrying an open container	14	5	0	19
Criminal trespass	10	2	1	13
Vandalism/criminal mischief/ malicious mischief/property damage	9	3	3	15
Drug-related offenses (including sale and possession)	23	10	11	44
Weapons (illegal possession, carrying concealed, etc.)	6	2	1	9
Shoplifting	17	3	0	20
Bad checks	14	2	0	16
Other theft	19	9	8	36
Forgery/embezzlement	2	3	2	7
Fraud	1	4	1	6
Assault	29	14	5	48
Burglary/breaking and entering	2	6	6	14
Robbery	0	1	3	4

* Superior Court, Cobb County—1 percent of caseload includes misdemeanors

Source: Hillsman, Siegel, and Mahoney, telephone survey

1. Robert W. Gillespie, "Fines as an alternative to incarceration: The Common Experience," *Federal Probation* 44,4 (December 1980): 20-26.

If fines *are* collected and enforcement regarded seriously, on the other hand, the resulting punishment may have rehabilitative value and deterrent consequences. If fines are known to be collected, judges and prosecutors may be more likely to see them as a useful alternative to incarceration or probation.

Finally, the payment of fines may be seen by the community as an important means of rendering deserved punishment while reimbursing the public treasury.

Many judges perceive problems in fine collection and enforcement procedures, but they are generally unaware what practices are effective. Research in the United States and in England emphasizes, for example, that aspects of the sentencing process itself are associated with the subsequent effectiveness of fine collection. These include setting the amount at a level the offender is able to pay, making only limited use of installment payment plans, and allowing relatively short periods of time for payment. However, such practices are not commonly followed by American courts.

Effective enforcement

What can be done if the offender fails to pay a fine? Research in England and West Germany indicates that simple procedures, such as prompt notification to an offender that payments are in arrears, have positive results. Full payment occurs in many cases without further, more coercive and costly action.

In American courts, however, routine notification letters are not common. Instead courts tend to move immediately to issuance of an arrest warrant for the offender who has not paid. Sixty-eight percent of upper court judges and 85 percent of lower court judges said this was their procedure.

Reliance on warrants raises several important policy issues, including relationships within the justice system. Although enforcement of a warrant is important to the court, evidence abounds that serving a warrant for nonpayment of a fine has low priority for law enforcement agencies. And American courts generally give little professional administrative attention to enforcing fines.

A major reason for this is that many professional court administrators dislike taking the role of bill collector when the administrative costs may be greater than the amount of the fine. As a result, courts rarely designate one person or position as having ultimate responsibility for overseeing the outcome of a sentence to a fine and for seeing to it that the process is properly carried out.

Thus, no one is responsible or accountable if enforcement breaks down. There are few incentives to make fining a success, but rather incentives to pass the enforcement task on to someone else—to the police via an arrest warrant, for example.

Judges tend to view the actions of offenders as the major fine-collection problem rather than inadequacies in the court's administrative mechanisms. Sentencing judges tend not to be familiar with the administrative tasks involved in enforcing fines except when defendants in default are brought before their bench.

However, research both in England and in the United States indicates that sound administrative procedures must be set for fines to be collected routinely. It should be possible to do this without overly burdensome costs or undesirable levels of coercion.

Assuming fines are set properly in the first place with respect to the offense and to the offender's means, the court must make plain at sentencing that it views the fine as a serious obligation for which it unequivocally expects payment. Otherwise, specific coercive means will be employed.

The offender's payments must be closely monitored by people who take the collection responsibility seriously and who are held accountable for it. When an offender does not meet the terms set by the court, enforcement actions would be immediate and personal, with a steady progression of responses creating mounting pressure and increased threats of greater coercion.

Careful tracking of payments, swift notification by letter and telephone that payments are due, and credible threats of greater coercion (including the seizure of property) are effective. Research suggests that most nonpay-

ment cases result from improperly set fines, administrative ineptitude, and failure to credibly threaten at the proper time.

Fines and fairness

Many persons convicted of criminal offenses are poor. To what extent is it feasible to impose a fine and enforce it as a punishment for criminal behavior by such persons?

Being poor does not necessarily mean being entirely without financial resources. There are varying degrees of poverty, somewhat obscured by uniform application of the label "indigent."

Some poor people have income for comforts as well as necessities. Others have few comforts, but manage on small budgets. Still others are destitute, people who have no home and receive no social services. At the low end of the poverty spectrum—where we find a group of offenders who are in extreme need—fines are probably inappropriate, unless the offense is trivial and a nominal fine can be suspended.

Fines are meaningful elsewhere along the spectrum, however, even for persons with income well below the poverty line—including welfare recipients, the working poor, the temporarily or seasonally unemployed.

A fine imposed on a member of these groups may require substantial economy—and it should do so if it is to be truly a punishment. But paying a fine need not require grave hardship if it is tailored not only to the offense but also to the offender's resources.

At the other end of the spectrum are those offenders who are not by any conventional definition poor. Significant amounts of fines may be required to ensure an appropriate sanction in these cases, even if the offense is not major.

Many judges recognize these realities and tend to focus on a defendant's ability to pay a particular fine rather than whether he or she is too poor to be fined at all. Indeed, poor people *are* being fined both in this country and in Europe, although both practices and views vary considerably.

Most judges surveyed indicated that they would be less likely to impose a fine if the defendant was unemployed

criminal justice planners and practitioners as they struggle with the problems of crowding in jails and prisons and as they become more dissatisfied with present sentencing alternatives.

A first effort to test the concept scientifically in American courts is underway in Staten Island, New York, with support from the National Institute of Justice, where a day-fine experiment is being planned by the Vera Institute of Justice in collaboration with the Richmond County District Attorney and the Richmond County Criminal Court.

Recommendations for judges

- Fines and other monetary sanctions are punishments and should be imposed high enough to reflect the seriousness of the offense and the prior record of the offender. At the same time, the amount must be within the offender's ability to pay.
- In setting the fine, accurate information on the offender's economic status should be sought and the total of all monetary sanctions taken into account.
- The defendant should be informed that prompt payment is expected, be told where to pay it, and advised of the consequences of nonpayment. The time allowed for payment should be relatively short, although unusual circumstances may suggest some flexibility.

Incentives should be used to encourage prompt payment. They may include reductions for early payment, penalties for lateness, and imposition of a suspended sentence to jail or community service.

- Judges should use data on sentencing practices to periodically reexamine the ways they use fines, both alone and combined with other sentences.

Recommendations for court administrators and clerks

- Courts should ascertain what offender-related information is regularly provided to sentencing judges. Where there are gaps such as lack of information on offender income and assets, procedures should be devised to ensure that such information is consistently provided. For example, a probation department, pretrial services agency,

or defense counsel could provide the information on a simple one-page form.

- Judges should be regularly given data on the types of sanctions imposed on offenders convicted of specific types of crimes.
- Using individual case records, fines-management information systems should be developed, containing six basic types of data: sentence imposed, inventory information, input-output information, effectiveness in collecting fines, processing times and procedures, and identification of problem cases. Courts should improve collection methods, and sentencing judges should be aware of the methods used.

- Administrative responsibility for enforcing monetary sanctions should be clearly fixed, with a senior member of administrative staff held accountable for the court's performance.

- Goals for effective fine administration (e.g., percentage of cases in which fines are fully collected within 30 or 60 days) should be set, and the court's enforced performance monitored against these goals.

- Procedures should be established to identify defaulters promptly and institute action against them.

- Courts should make direct contact with offenders who fail to pay within the time period set. Prompt, noncoercive reminder letters and phone calls should be tried before a warrant issues. Judges should be fully aware of the procedures and their effectiveness.

Recommendations for legislation

- Where statutory ceilings on fine amounts are low, these should be raised.
- Judges should be required to take account of offenders' economic circumstances in imposing fines and other monetary sanctions.
- Statutory restrictions on the use of the fine as a sole sanction for specific offenses should be removed.
- Statutes that provide for flat "dollars-to-days" equivalencies when fine balances are unpaid should be revised

to ensure that offenders convicted of similar offenses and with similar prior records should serve essentially similar jail terms in the event of default.

- Courts should undergo a periodic outside audit at least every 2 years to ensure that records are adequately maintained and that appropriate procedures are followed in enforcing fines and handling the money paid.

- State court administrators should be explicitly authorized to establish basic minimum standards or requirements for recordkeeping and statistical reporting.

About the authors

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This *Brief* was drawn from three Institute-funded projects whose reports are available from the National Institute of Justice/NCJRS (National Criminal Justice Reference Service). For information, telephone 800-851-3420. From Maryland or the Metropolitan Washington, D.C., area, call 301-251-5500. The reports are:

Fines in Sentencing: A Study of the Use of the Fine as a Criminal Sanction. By Sally T. Hillsman, Joyce L. Sichel, and Barry Mahoney; a joint project of the Vera Institute of Justice and the Institute for Court Management. Full report, 341 pp., NCJ 094812. Executive summary, 84 pp., NCJ 096334.

Enforcement of Fines as Criminal Sanctions: The English Experience and Its Relevance to American Practices. By Silvia S.G. Casale and Sally T. Hillsman, Vera Institute of Justice. Full report, 388 pp., NCJ 106271. Executive summary, 54 pp., NCJ 104329.

Practices and Attitudes of Trial Court Judges Regarding Fines as a Criminal Sanction. By George F. Cole, Barry Mahoney, Marlene Thornton, and Roger A. Hanson; a joint project of the University of Connecticut and the Institute for Court Management. Executive summary, 71 pp., NCJ 106270.

NCJ 106773

MEMORANDUM

Alaska Court System

TO: Arthur H. Snowden, II
Administrative Director

DATE: February 2, 1993

FROM: Cathryn Jansson 
Legal Administrative Asst.

SUBJ: Day Fines

Alaska, like many states, is struggling with prison overcrowding. During the last five years, the daily number of prisoners has fluctuated just above and below prison capacity.¹ Other jurisdictions, in an effort to relieve overcrowding, are considering alternative punishments for non-violent crimes; one of these alternatives is day fines. This memorandum discusses the history and use of day fines as an intermediate criminal sanction² and the feasibility of implementation in Alaska.

I. Definition.

Day fines (also called structured fines, means-based fines or unit fines) are an intermediate sanction which allows the court to fine

¹ Alaska Sentencing Commission, 1991 Annual Report to the Governor and the Alaska Legislature 1 (1991).

² An intermediate sanction is a sanction which is more stringent than traditional probation but less stringent (and usually less expensive) than imprisonment. Intermediate sanctions include house arrest, electronic monitoring, "shock" incarceration, community residential centers and work release centers.

an offender based on the gravity of the offense and the offender's ability to pay. Typically, under a day fine system each offense is assigned a number of "fine units" based on the severity of the offense compared to other crimes. When a defendant is convicted, the judge determines the number of fine units which have been assigned to the offense and the defendant's available daily income. The judge then multiplies these two figures to determine the fine amount. (The term "day fine" is used because the fine is linked to the defendant's daily income.)

II. Fines as an Alternative to Short-Term Incarceration

Proponents of fines make the following arguments in support of fines versus other criminal sanctions:

(1) Unlike incarceration and probation, fines generate revenues to reimburse costs of the justice system. Well over a billion dollars in fines are collected in criminal courts each year.

(2) Fines are inexpensive to administer compared to other to intermediate sanctions such as supervised probation and halfway houses.

(3) Fines are already used in some form by virtually all American courts. Therefore, the mechanisms to impose and collect fines are already in place.³

Moreover, studies show that fines -- if set high enough -- have a punitive impact on offenders and value as a deterrent.⁴

³ Sally Hillsman, Barry Mahoney, George F. Cole, & Bernard Auchter, Fines as Criminal Sanctions, Nat'l Inst. of Just. Research in Brief 2 (Sept. 1987) [hereinafter Hillsman, Mahoney, Cole, & Auchter].

⁴ Sally Hillsman, Fines and Day Fines, in 12 Crime and Justice: A Review of Research, 49, 50 (Michael Tonry and Norval Morris eds., 1990) [hereinafter Hillsman].

Fines are already used as a sanction for a broad range of offenses; however, they are usually used in conjunction with probation or short-term incarceration and are rarely used as an alternative to these penalties.⁵

Researchers offer several explanations for the low use of fines as a sole penalty. According to a 1984-85 survey of judges, most judges set fines well below the statutory limit. Researchers believe that this is because most judges use the "tariff" or "fixed fine" system to determine fine amounts. Under this system, approximately the same fine amount is imposed on all defendants who are convicted of a particular offense. The "tariff" or "going rate" for an offense is generally based on what the poorest offenders can afford to pay. Thus, fine amounts "tend to cluster near the bottom of the statutorily permissible range. This limits the range of offenses for which judges consider the fine an appropriate sole penalty."⁶

In the 1984-85 survey, judges also expressed concern about the fairness of fines. Under a tariff system, defendants with higher incomes have an obvious advantage -- a \$500 fine has a greater punitive impact on a defendant who earns \$1500 per month than on a defendant who earns \$4000 per month. Sixty-one percent of the judges who responded to the survey agreed with the statement that

⁵ Hillsman, Mahoney, Cole, & Auchter, supra note 3, at 2.

⁶ Hillsman, supra note 4, at 63.

finer allow affluent offenders to "buy" their way out.⁷ Sixty percent also agreed that fines are not an effective sanction for indigent defendants because there is a significant risk that the fine will be uncollectible.⁸

Proponents of fines believe that day fines address many of the concerns that are raised about traditional fines. Because day fines are set in proportion to the seriousness of the offense and adjusted to a defendant's income, they result in an equivalent level of hardship for defendants convicted of the same offense.⁹ In addition, under a day fines system, fines can be set high enough to effectively penalize affluent defendants and low enough to reflect what poorer defendants can realistically afford to pay.¹⁰

III. Use of Day Fines in Other Jurisdictions

A. Europe

The day fine system is an innovation of Western Europe. Day fines were implemented in Europe to reduce prison overcrowding by providing an alternative to short-term imprisonment.¹¹ The first day fine system was implemented in Finland in 1921, followed by

⁷ Hillsman, Mahoney, Cole, & Auchter, supra note 3, at 4.

⁸ Id.

⁹ Hillsman, supra note 4, at 51.

¹⁰ Id.

¹¹ Id. at 75.

Sweden in 1931, Denmark in 1939, West Germany and Austria in 1975.¹² In both West Germany and Sweden, day fines have been successful in reducing the number of short-term prison sentences. In 1968, West Germany imposed 113,273 prison sentences for six months or less; following the implementation of day fines in 1975, the number of prison sentences for six months or less dropped to 23,664. By 1979, the number was further reduced to 10,609.¹³

In both West Germany and Sweden, a fine is used as the sole penalty for most criminal offenses, including many serious offenses. In 1984, 75 percent of all non-traffic criminal offenses in West Germany were disposed of by a fine as the sole penalty; fines were used in one third of all sexual offenses and in 73 percent of all crimes of violence against the person.¹⁴ In 1988, Sweden imposed day fines for 83 percent of all criminal offenses, including 40 percent of all offenses against persons.¹⁵

B. United States

Day fines are currently being used in eight locations in the United States: Phoenix, Arizona; Bridgeport, Connecticut; Des Moines,

¹² Sally Hillsman & Judith Greene, Tailoring Criminal Fines to the Financial Means of the Offender, 72 *Judicature* 38, 44 (1988).

¹³ Gary M. Friedman, Comment, The West German Day-Fine System: A Possibility for the United States?, 50 *U.Chi.L.Rev.* 281, 291 (1983).

¹⁴ Hillsman, supra note 4, at 61.

¹⁵ Id.

Iowa; and four county courts in Oregon.¹⁶ Chicago, Houston and Philadelphia are in the active planning stage. Staten Island, New York imposed day fines for twenty-three months during 1988-90, but discontinued the program because of budget cuts. Milwaukee, Wisconsin used a day fine system for 12 weeks during 1989, but discontinued the project because it resulted in lower fine revenues for the court.

The programs in Staten Island, Phoenix, and Milwaukee are discussed in more detail below. The programs in Connecticut, Iowa, and Oregon have only recently gotten underway.

1. Staten Island

Richmond County Criminal Court, a trial court of limited jurisdiction, was the first court in the United States to implement a day fines program.¹⁷ Day fines were used for misdemeanors and violations for a period of 23 months during 1988 to 1990.¹⁸ Between September 1988 and August 1990, day fines were imposed in

¹⁶ Each of these jurisdictions is part of a pilot project funded by a Bureau of Justice Assistance federal grant.

¹⁷ Douglas C. McDonald, Judith Greene & Charles Worzella, Day Fines in American Courts: The Staten Island and Milwaukee Experiments, Issues and Practices in Criminal Justice, Nat'l Inst. Just. 13 (Apr. 1992) [hereinafter McDonald, Greene, & Worzella].

¹⁸ A list of violations and misdemeanors to which the program applied appears in Appendix A.

two-thirds of all disposed cases.¹⁹ The average day fine amount was \$440.83, twice the average pre-pilot fine amount, which was \$205.66.²⁰

As part of its day fines project, Staten Island also experimented with a new collections strategy. Responsibility for collection of day fines was centralized in a "day fines officer." This person was given authority to work out an individualized payment plan with each defendant. Defendants were generally allowed only a short period to pay the fine, i.e., usually no more than three months, and payment dates were scheduled to correspond to the defendant's income receipt patterns. A computer program originally designed for small business applications was adapted inexpensively to track payment. A defendant's non-payment prompted the computer to generate an immediate reminder and warning letter. If non-payment was due to a change in the defendant's financial circumstances, the day fines officer could modify the defendant's payment plan within certain parameters.²¹

To measure the success rate of the new collection practices, the court divided day fine cases into two groups. One group, labeled

¹⁹ Laura Winterfield & Sally Hillsman, An Experiment to Introduce Means-Based Fining into an American Criminal Court: The Staten Island Day-Fines Project, Nat'l Inst. Just. 4 (Draft: Apr. 30, 1992) [hereinafter Winterfield & Hillsman].

²⁰ Id. at 5.

²¹ McDonald, Greene, & Worzella, supra note 17, at 34.

"experimental," was subject to the new collection strategy. The other group, labeled "control," was subject to the court's existing collection practices. Researchers found 85 percent of the day fine experimental group paid in full, compared to 71 percent of the control cases and 76 percent of the pre-pilot fine cases. Six percent of the day fine experimental group resulted in no payment at all, compared to 26 percent of day fine control group and 22 percent of pre-pilot cases.²²

Overall, the court found that "despite significantly higher average fine amounts and longer collection periods e.g. installment payments, day fines were collected in full at high rates - rates as high as the collection rates for the smaller fixed fines."²³ The total revenues generated by fines increased by 14 percent during the day fines project. Researchers estimate that total fine revenues from day fines would have been approximately 50 percent higher if day fines had not been constrained by statutory fine caps.²⁴

The Staten Island program was discontinued because of budget cuts.²⁵

²² Winterfield & Hillsman, supra note 19, at 6.

²³ Id. at 7.

²⁴ Id. at 5.

²⁵ Per a 9/22/92 phone conversation with Arnold Berliner, Assistant District Attorney; Staten Island, New York.

2. Phoenix

In April 1991 the Superior Court of Maricopa County in Phoenix, Arizona initiated a day fine demonstration project, known as "F.A.R.E. Probation" (Financial Assessments Related to Employability). The program was the first in the United States to apply day fines to both misdemeanor and low level felony cases.²⁶

In a phone conversation with Marilyn Windust, Day Fine Project Manager, Adult Probation Department, she stated that overall the program has been very successful. The court evaluates defendants prior to sentencing and targets defendants who have low treatment and supervision needs, are employable or have a source of income, and do not owe restitution exceeding the day fine. Prior to implementation of the program, these defendants would probably have been placed on full supervision probation or sentenced to a short-term jail sentence.

Between April 1991 and July 1992, 247 defendants were sentenced to FARE probation. One hundred nine defendants successfully completed the program. Only two defendants have committed subsequent offenses. The lowest fine assessment under the program was \$60. The highest assessment was \$12,325. The court collected a total of \$120,889 and its collection rate was 98.2 percent. Forty-one

²⁶ A list of the misdemeanors and felonies to which the program applies appears in Appendix B. Felonies include low level assault, burglary, child abuse, attempted child molestation, robbery, theft, attempted kidnapping, fraudulent schemes, escape, arson, sexual abuse, and many drug offenses.

percent of victims received full restitution and restitution was paid at a faster rate. Of the total number of offenses in which day fines were imposed, 58 percent were theft related offenses, 28.3 percent were drug related offenses, 2 percent were white collar offenses, and 11.7 percent were miscellaneous offenses.²⁷

Even though initial funding for the program under a Bureau of Justice grant has ended, the court system has elected to continue the program and fund it through the Maricopa County budget.

3. Milwaukee

In 1989, the Milwaukee Municipal Court initiated a 12 week experiment to test the feasibility of substituting day fines for fixed fines for violations of municipal ordinances.²⁸ The experiment concentrated on first time offenders charged with offenses which are also crimes under state penal law. These offenses include: carrying a concealed weapon, disorderly conduct, theft from a retail store, vandalism, loitering, prowling, and low level assault and battery. Between October 1989 to January 1990, 192 violators received day fines.²⁹ The average day fine imposed was \$72 compared to an average of \$112 for fixed fine cases.³⁰

²⁷ The FARE probation program statistics were provided by Marilyn Windust, Day Fine Project Manager.

²⁸ A list of violations to which the program applied appears as Appendix C.

²⁹ McDonald, Greene, & Worzella, supra note 17, at 70.

³⁰ Id. at 72.

Collection rates basically stayed the same. The court found that the percentage of defendants failing to pay their fines differed little between day fines and conventional fines (59 percent versus 61 percent, respectively). However, defendants given day fines were more likely to pay in full (37 percent versus 25 percent). Differences in likelihood to pay were even more pronounced among the poorest violators. Of those persons having monthly incomes less than \$197, 33 percent of those given day fines paid in full, compared to 14 percent of those who received conventional fines.³¹ Overall, the court found that the system imposed lower fines which led to reduced revenues to the county treasury. Since the Milwaukee court could not afford to subsidize the program, the program was discontinued.³²

The Milwaukee experiment demonstrated that a day fines program can be operated in a fast-paced setting such as a municipal court. The collection rate data from Milwaukee and Staten Island indicates, however, that day fines are not inherently more collectible than traditional fines. In Milwaukee, the collection rates for day fines and traditional fines were approximately the same. In Staten Island, the collection rate for day fines in the control group (i.e, day fines which were not subject to the new collection

³¹ Id.

³² Per a 8/28/92 phone conversation with Judith Greene, Director of Court Programs, Vera Institute of Justice; New York, New York.

practices) was approximately the same as the collection rate for traditional fines.

IV. Day Fines as an Alternative Sanction in Alaska

It is difficult to predict whether a day fines program would make a positive impact on Alaska's judicial system and corrections program. There is a shortage of data available on current sentencing patterns.

In 1992 the Sentencing Commission conducted a state-wide survey of felony sentences imposed between 1986 and 1991. The commission found that fines were imposed in only 4.4% percent of the cases. Fines ranged from \$250 to \$15,000 and were always combined with sentences of incarceration ranging from 18 months to 8 years.³³ The sampling indicates fines are not used as an alternative to incarceration in felony cases, but rather as an additional sanction.

No data is readily available on the number of misdemeanor cases in which fines are imposed as a sole penalty or in conjunction with other sanctions. However, according to information collected by

³³ The offenses included bootlegging, driving under the influence, assault, second degree rape, second degree sexual assault, and drug offenses. A copy of the Commission's data appears in Appendix D.

the Sentencing Commission, misdemeanants currently make up approximately ten percent of Alaska's prison population.³⁴

It should be noted that there is public support in Alaska for alternatives to incarceration. A recent public opinion report prepared by the Sentencing Commission found that the majority of those polled supported intermediate sanctions for non-violent felons and even for some violent felons. Overall, the surveyed group "believed that incarceration does not give the public its money's worth."³⁵ The group felt these offenders should be in programs which control criminal behavior, but which allow them to work, be self-supporting, and pay supervision costs and restitution.³⁶

V. Implementation Requirements for a Day Fines Program

The following section identifies the changes that would be required to implement a day fines program in Alaska. There are four subsections which discuss the following topics: (1) necessary statutory changes; (2) improvement of existing collection mechanisms; (3) adoption of benchmarks; and (4) evaluation of a defendant's financial resources.

³⁴ Alaska Sentencing Commission, 1991 Annual Report to the Governor and the Alaska Legislature app. 1-2 (1991).

³⁵ Alaska Sentencing Commission, Opinions on Sentencing in Alaska: Results of Five Focus Groups 10 (Aug. 20, 1992).

³⁶ Id.

A. Statutory Changes

At least one statutory change must be made in order to implement a day fines program and two additional changes may be desirable. These three statutory changes are discussed in more detail below.

1. Financial Resources of the Defendant

AS 12.55.035 governs the imposition of fines. Prior to 1992, this statute required the court to consider the financial resources of the defendant when setting a fine. The statute provided:

(a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law. In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the defendant and the nature of the burden its payment will impose. No defendant may be imprisoned solely because of inability to pay a fine.

The court was also required to consider the financial resources of the defendant when determining restitution. See AS 12.55.045.³⁷

Both AS 12.55.035 and AS 12.55.045 were amended last session to eliminate the income evaluation requirement.³⁸ In adopting this

³⁷ Prior to being amended in 1992, AS 12.55.045 provided:

(a) . . . In determining the amount and method of payment of restitution, the court shall take into account the

. . .

(3) financial resources of the defendant and the nature of the burden its payment will impose on dependents of the defendant.

³⁸ The amendment to AS 12.55.035 is shown below:

(a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this

change, the legislature specifically intended to prohibit the court from considering the defendant's financial circumstances when setting the amount of a fine or restitution:

Section 1. PURPOSE. It is the purpose of this Act to ensure full payment of fines imposed in criminal cases and to make full restitution available to all persons who have been injured as a result of criminal behavior, to the greatest extent possible, by

(1) requiring courts to consider whether a defendant has the ability to pay fines and restitution at a hearing held after a defendant has failed to pay, rather than asking courts to predict at the time of sentencing whether a defendant will have the ability to pay a fine or restitution in the future;

. . . .

Ch. 71 sec. 1 SLA 1992 (emphasis added).

Consideration of the defendant's financial resources is a critical sentencing component in a day fines system. When imposing a day fine, the judge multiplies the number of fine units which have been assigned to the offense and the defendant's available daily income to determine the fine amount. Under the current version of AS 12.55.035, a judge is precluded from considering the defendant's financial resources at the time the fine amount is set. Thus, in order to implement a day fines system, either the deleted language

section or as otherwise authorized by law. [IN DETERMINING THE AMOUNT AND METHOD OF PAYMENT OF A FINE, THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL RESOURCES OF THE DEFENDANT AND THE NATURE OF THE BURDEN ITS PAYMENT WILL IMPOSE. NO DEFENDANT MAY BE IMPRISONED SOLELY BECAUSE OF INABILITY TO PAY A FINE.]

of the statute must be reinstated or a new provision must be added to AS 12.55 which specifically authorizes the imposition of day fines. The latter option is probably preferable because it would allow the court to impose either day fines or traditional "tariff" or "going rate" fines. Thus, the court system could initially implement day fines on a trial basis.³⁹

2. Statutory caps on misdemeanors, violations, and infractions.

AS 12.55.035 also sets maximum fine amounts for violations, misdemeanors and felonies. These statutory caps are shown below:

(b) Upon conviction of an offenses, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

. . .

(2) \$50,000 for class A, B, or C felony;

(3) \$5,000 for a class A misdemeanor;

(4) \$1,000 for a class B misdemeanor;

(5) \$300 for a violation.

Because day fines are based on an offender's daily income, a fine for a defendant with a high income level may exceed the statutory cap. If a day fine is calculated above the cap amount, the

³⁹ In Maricopa County, for example, day fines were implemented in four of the county's eight superior courts so that the two fine systems could be compared and evaluated. In a phone conversation with Marilyn Windust, Day Fine Project Manager, she stated that several private defense attorneys have suggested that the use of two fine systems raises equal protection problems. However, to date, this issue has not been litigated.

defendant would only be liable for the statutory amount, which diminishes the punitive impact of the fine.

Other jurisdictions have not necessarily eliminated their statutory fine limits when they initiated their day fine programs. Phoenix, Staten Island and Oregon elected to impose day fines within the statutory fine limits, at least initially. Phoenix and Oregon plan to evaluate the desirability of amending or repealing the statutory caps once they have determined the extent to which the caps prevent judges from imposing full day fines.

In Alaska, the present caps will limit the use of day fines, particularly for more serious offenses. A policy decision must be made whether to propose to the legislature a lifting of the existing caps or to operate the day fines program under existing statutory fine limits.

3. Statutory Felony Sentencing Structure

Alaska operates under a statutory felony sentencing structure which dictates minimum, maximum and presumptive prison terms for felony convictions.⁴⁰ There are no mandatory minimum or presumptive sentencing rules for first time Class B⁴¹ or C⁴² felony convictions,

⁴⁰ See AS 12.55.125.

⁴¹ Class B felonies include robbery not using a deadly weapon, theft over \$25,000, selling cocaine or marijuana to minors, burglary in a dwelling, arson with no risk of injury, bribery or perjury, second-degree assault, sexual penetration with a person aged 13, 14 or 15, and sexual contact with anyone under 13, or a

unless the conduct was knowingly directed at a peace officer, firefighter or an emergency responder, e.g., emergency medical technician, paramedic, ambulance attendant.⁴³ However, for second and subsequent Class B felony convictions, there is a presumptive prison term of 4 and 6 six years, respectively and 2 and 3 years for Class C felonies. An offender will ordinarily receive these prison terms unless certain aggravating or mitigating factors are applicable.

Thus, under the current sentencing structure, judges can impose day fines for misdemeanors and first time low level felony convictions, but day fines cannot be used for repeat low level felonies. A policy decision must be made as to whether the state of Alaska wishes to include these repeat offenders in a day fines program and, if so, propose a statutory amendment to the legislature.

B. Improvement of existing collection mechanisms

Judges -- and the public -- are unlikely to consider day fines as an alternative to incarceration without assurance that such fines can be collected. According to researchers at the National Center for State Courts, "[p]art of the hesitancy that judges have in

daughter or son under 18.

⁴² Class C felonies include negligent homicide, burglary not in a dwelling, second-degree assault, theft over \$500, check forgery, possessing heroin or cocaine, and bootlegging.

⁴³ See AS 12.55.125(d)(3) and AS 12.55.125(e)(3).

using the fine as a sole or primary sanction apparently stems from a sense that collecting the payment is difficult."⁴⁴

In Alaska, fines, restitution and forfeited bonds under \$250 are collected by the court system while fines over \$250 are collected by the Department of Law.⁴⁵ Court system collection practices are limited to a single "notice of delinquency" letter and if no payment is received, issuance of a bench warrant. The Department of Law issues one demand letter and if no payment is received, an execution is made on the defendant's permanent fund dividend.⁴⁶

No information is readily available on the total number of cases in which a fine is imposed.⁴⁷ Therefore, the overall payment rate for fines cannot be calculated. Since April 1989, the court system has forwarded a total of 5,720 fine cases to the Department of Law

⁴⁴ Barry Mahoney & Marlene Thornton, Means-Based Fining: Views of American Trial Court Judges, 13 Just. Sys. J. 51, 55 (1988).

⁴⁵ See ACS Administrative Bulletin No. 43 (eff. Jan. 8, 1991). The Anchorage Court Administration is looking into the possibility of transferring all unpaid fines (state-wide) to the Department of Law Collections Unit. The Collections Unit will assume this responsibility if necessary information can be electronically transferred between the courts, the Collections Unit, and the Department of Revenue. At present, manual transfer of paperwork between these entities and the Alaska State Troopers causes collections not to be cost-effective for any fine or bail forfeiture under \$250.

⁴⁶ In 1992, 1155 permanent fund dividend executions were processed from approximately 3,000 open collection accounts.

⁴⁷ This information could be gathered. According to Technical Operations, it would take approximately two days of a programmer's time.

for collection. Thirty-six percent of these cases have been paid in full. Another 6 percent have almost been paid in full, i.e., less than \$100 is still owing. The department has collected a total of \$1,560,885 in fine revenues. The court system collected a total of \$4,170,252 in fines, "mail-in bail," and bail forfeitures in FY92.

Prior to implementing a day fine system, current fine collection practices should be reviewed and possibly upgraded. The Staten Island day fine project demonstrated that, despite higher average fine amounts, day fines are not more difficult to collect than traditional fines.⁴⁸ Also, relatively simple collection techniques can significantly improve day fines collections.⁴⁹

C. Adoption of benchmarks.

Under a day fine system, the amount of the fine is determined by multiplying the defendant's average daily income by the "benchmark" for the offense. The benchmark is usually measured in "fine units" and reflects the jurisdiction's view as to the seriousness of the offense compared to other crimes. One of the first steps in implementing a day fine system is the adoption of a benchmark scale by assigning fine units to each criminal offense.

⁴⁸ Winterfield & Hillsman, supra note 19, at 7.

⁴⁹ See text accompanying note 21 supra.

Determining how many units to assign to each offense is similar to development of sentencing guidelines. The gravity of the offense is weighed against all other offenses and a determination made as to the appropriate level of punishment. The jurisdiction must also decide whether to adopt a fixed number of fine units for each offense or a range of fine units in order to allow some variation of the benchmark based on aggravating or mitigating factors. When Staten Island initiated its day fines project, a planning group determined the court's seventy most common misdemeanors and violations. The group then ranked these offenses by severity.⁵⁰ Using a scale of 120 day fine units, the planning group assigned fine units for each offense, e.g., prostitution = 5 units, harassment = 15 units, petit larceny = 5 to 60 units; sexual misconduct = 90 to 120 units. Where ranges were specified, judges were given guidance on how to establish the benchmark in a particular case. For example, a judge would determine the benchmark for a defendant convicted of petit larceny according to the value of property stolen.⁵¹

In Milwaukee, planners used the existing fine system to create the benchmark scale. Planners assigned each fine unit a value of twenty dollars and then determined the range of units for each offense by dividing the minimum and maximum fine for the offense

⁵⁰The offenses ranged from breach of public decorum to victimizing offenses generally charged as felonies but disposed of as misdemeanors. The offenses are listed in Appendix A.

⁵¹ McDonald, Greene, & Worzella, supra note 17, at 22.

by twenty dollars. Thus, an offense with a minimum fine of \$100 and a maximum fine of \$500 would be assigned a range of 5 to 25 fine units. Planners used the court's "deposit amount schedules" (comparable to Alaska's bail forfeiture schedules) to determine the median benchmark for each violation and infraction.⁵² A judge could adopt a benchmark higher or lower than the median (but still within the permitted range for the offense) based on aggravating or mitigating circumstances or prior criminal history.⁵³

The benchmark scales for Staten Island, Phoenix, and Milwaukee appear in Appendices A, B and C, respectively.

In 1991, the Alaska Sentencing Commission weighed the seriousness of 174 criminal offenses found in Title 11 and developed a ranking beginning with most serious (Murder I) to least serious (Unlawful Possession of Property valued under \$50)⁵⁴ Because ranking of offenses is the starting point of a day fine benchmark scale, the court system could choose to adopt this ranking for the day fines program. The court would still need to assign a fixed number or a range of fine units to each offense. Traffic offenses in Title 28, which includes DWI and DWLS offenses, and fish and game

⁵² A deposit amount schedule is similar to Alaska's bail forfeiture schedule in that a violator has the option of paying a "deposit" instead of appearing in court to contest the charge.

⁵³ McDonald, Greene, & Worzella, supra note 17, at 5.

⁵⁴ The purpose of the ranking was to determine if any offenses should be statutorily reclassified to reflect the seriousness of the crime, e.g., reclassify a misdemeanor offense to a felony.

offenses under Title 16 were not ranked. The Commission's ranking appears in Appendix E.

D. Evaluation of a defendant's financial resources

In addition to adopting a benchmark scale, the court system must decide how much of a defendant's income to assess. Staten Island, for example, chose to assess the defendant's daily net income, adjusted for family responsibilities and basic personal needs.⁵⁵ Daily net income was determined by dividing the defendant's pay check, welfare allotment or unemployment check by the number of days in the payment period. The figure was then adjusted based on the number of persons supported by the defendant's income. To reduce the harshness on low income defendants who do not have savings or access to credit, the valuation formula allowed an additional income adjustment for people living in poverty.⁵⁶ To assist the judge in determining the daily income assessment, planners devised a chart similar to a "tax table" showing average daily income on one axis and the number of persons supported by the defendant on the other axis. The chart appears in Appendix A.

Once the level of assessment is determined, the court system would need a procedure to obtain financial information from defendants. Courts in Alaska already collect detailed financial information

⁵⁵ Milwaukee and Phoenix used or are using a similar system.

⁵⁶ McDonald, Greene, & Worzella, *supra* note 17, at 27.

from defendants who request appointed counsel.⁵⁷ The same basic mechanism could probably be used to collect financial information from defendants who are subject to a day fine.⁵⁸

VI. Conclusion

Alaska faces the possibility of future budget shortfalls with the decline of oil-based revenues. As such, budget constraints may force proportionate cutbacks on prison and probation resources. Therefore, alternative intermediate criminal sanctions, such as day fines, may become a necessity. Other jurisdictions find day fines are effective as a sole penalty for misdemeanants and felons who have low treatment and supervision needs. By not imposing a short-term jail sentence on these offenders, prison space is made available for more violent, predatory offenders. As the Alaska Sentencing Commission has noted, "[e]very offender diverted into

⁵⁷ This information is also gathered as part of the presentence investigation. Such investigations are conducted in most felony cases but few misdemeanor cases.

⁵⁸ As part of its day fines project, Staten Island employed people to interview defendants about their financial resources. Planners also developed tables showing the median biweekly salary for various occupations, e.g., construction workers, food and beverage preparers, sales personnel. If a defendant refused to disclose financial information to court personnel, the judge would calculate the day fine based upon information in these tables. The general income guidelines appear in Appendix A. Judges in the Staten Island project were also authorized to adjust defendants' daily income figures to reflect illegal or "under the table" income.

a non-prison program is making a space available for a more serious offender and saving the need for new prison construction."⁵⁹

If you have any questions, please contact me at extension 646.

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⁵⁹ Alaska Sentencing Commission, 1991 Annual Report to the Governor and the Alaska Legislature 34 (1991).

APPENDIX

Appendix A: Day Fines Program for Staten Island, New York:

- Benchmark Scale
- Daily Income Reference Table
- Median Salary by Occupation Type

Appendix B: Day Fines Program for Phoenix, Arizona:

- Benchmark Scale
- Daily Income Reference Table
- Daily Income Figures for Skilled Unemployed Defendants

Appendix C: Day Fines Program for Milwaukee, Wisconsin:

- Benchmark Scale

Appendix D: Alaska Sentencing Commission: Survey Data of Felony Sentences Imposed Between 1986-91

Appendix E: Alaska Sentencing Commission: Ranking of Title 11 Criminal Offenses (July 1991)

Appendix A:

Day Fines Program for Staten Island, New York:

- Benchmark Scale
- Daily Income Reference Table
- Median Salary by Occupation Type

Staten Island Day-Fine Benchmark Scales

PL Charge	Type of Offense	Number of Day-Fine Units	
		Discount-PRESUMPTIVE	Premium
115.00 AM	Criminal Facilitation 4	30 - 35	40
120.00 AM	Assault 3: Range of 20-95 DF		
	A. Substantial Injury	81 - 95	109
	Stranger-to-stranger; or, where victim is known to assailant, he/she is weaker, vulnerable		
	B. Minor Injury	59 - 70	81
	Stranger-to-stranger; or , where victim is know to assailant, he/she is weaker, vulnerable; or, altercations involving use of a weapon		
	C. Substantial Injury	38 - 45	52
	Altercations among acquaintances; brawls		
	D. Minor Injury	17 - 20	23
	Altercations among acquaintances; brawls		
110/ 120.00 BM	Attempted Assault 3: range of 15-45 DF		
	A. Substantial Injury	38 - 45	52
	Stranger-to-stranger; or, where victim is known to assailant, he/she is weaker, vulnerable		
	B. Minor Injury	30 - 35	40
	Stranger-to-stranger; or , where victim is know to assailant, he/she is weaker, vulnerable; or, altercations involving use of a weapon		
	C. Substantial Injury	17 - 20	23
	Altercations among acquaintances; brawls		
	D. Minor Injury	13 - 15	17
	Altercations among acquaintances; brawls		

PL Charge	Type of Offense	Number of Day-Fine Units
		Discount-PRESUMPTIVE-Premi
120.15 BM	Meanacing: Range of 30-45 DF	
	A. Threat of Serious Physical Injury Stranger-to-stranger; or, where victim is weaker, vulnerable	38 - 45 - 52
	B. Threat of Serious Phsyical Injury Altercations among acquaintences; brawls	25 - 30 - 35
120.20 AM	Reckless Endangerment	55 - 65 - 75
110/ 120.20 BM	Attempted Reckless Endangerment	17 - 20 - 23
130.20 AM	Sexual Misconduct: Range of 90-120 DF	
	A. Sexual Intercourse Without consent involving forcible compulsion	102 - 120 - 138
	B. Sexual Intercourse Where victim is incapable of consent or under the age of fourteen	76 - 90 - 104
130.38 BM	Consensual Sodomy	13 - 15 - 17
130.55 BM	Sexual Abuse 3	38 - 45 - 52
130.60 AM	Sexual Abuse 2	85 - 100 - 115
135.05 AM	Unlawful Imprisonment 2	55 - 65 - 75
140.05 vio	Trespass	13 - 15 - 17
140.10 BM	Criminal Trespass 3	17 - 20 - 23
140.15 AM	Criminal Trespass 2	42 - 50 - 58
110/ 140.15 BM	Attempted Criminal Trespass 2	25 - 30 - 35
140.35 AM	Possession of Burglary Tools	42 - 50 - 58

PL Charge	Type of Offense	Number of Day-Fine Units	
		Discount-PRESUMPTIVE	Premium
145.00 AM	Criminal Mischief 4: Range of 15-60 DF (Damage to property scaled as for petit larceny)		
	\$1000 or more	51 - 60	- 69
	700-999	42 - 50	- 58
	500-699	34 - 40	- 46
	300-499	25 - 30	- 35
	150-299	17 - 20	- 23
	1-149	13 - 15	- 17
110/ 145.00 BM	Attempted Criminal Mischief 4: Range of 15-30 DF (Damage to property scaled as for attempted petit larceny)		
	\$1000 or more	25 - 30	- 35
	600-999	17 - 20	- 23
	1-599	13 - 15	- 17
145.14 BM	Criminal Tampering 3	17 - 20	- 23
145.15 AM	Criminal Tampering 2	42 - 50	- 58
155.25 AM	Petit Larceny: Range of 15-60 DF		
	\$1000 or more	51 - 60	- 69
	700-999	42 - 50	- 58
	500-699	34 - 40	- 46
	300-499	25 - 30	- 35
	150-299	17 - 20	- 23
	1-149	13 - 15	- 17

<u>PL Charge</u>	<u>Type of Offense</u>	<u>Number of Day-Fine Units</u>
		<u>Discount-PRESUMPTIVE-Premium</u>
110/ 155.25 BM	Attempted Petit Larceny: Range of 15-30 DF \$1000 or more 600-999 1-599	25 - 30 - 35 17 - 20 - 23 13 - 15 - 17
110/ 155.30 AM	Attempted Grand Larceny: Range of 20-65 DF A. Purse Snatch Regardless of amount of value B. Extortion Regardless of amount of value C. Value Exceeding \$1000 D. Stolen Credit Card E. Stolen Motor Vehicle: Range of 20-60 DF (Car value scaled as for petit larceny) \$1000 or more 700-999 500-699 300-499 150-299 1-149	55 - 65 - 75 55 - 65 - 75 51 - 60 - 69 51 - 60 - 69 51 - 60 - 69 42 - 50 - 58 34 - 40 - 46 25 - 30 - 35 17 - 20 - 23 13 - 15 - 17
165.05 AM	Unauthorized Use of a Vehicle 3: Range of 15-60 DF (Car value scaled as for petit larceny) \$1000 or more 700-999 500-699 300-499 150-299 1-149	51 - 60 - 69 42 - 50 - 58 34 - 40 - 46 25 - 30 - 35 17 - 20 - 23 13 - 15 - 17
165.09 AM	Auto Stripping 2	13 - 15 - 17

PL Charge	Type of Offense	Number of Day-Fine Units	
		Discount-PRESUMPTIVE	Premium
165.30 AM	Fraudulent Accosting	42 - 50	- 58
165.40 AM	Criminal Possession of Stolen Property 5: Range of 15-60 DF (Property value scaled as for petit larceny) \$1000 or more	51 - 60	- 69
	700-999	42 - 50	- 58
	500-699	34 - 40	- 46
	300-499	25 - 30	- 35
	150-299	17 - 20	- 23
	1-149	13 - 15	- 17
110/ 165.40 BM	Attempted Criminal Possession of Stolen Property 5: Range of 15-30 DP (Property value scaled as for attempted petit larceny) \$1000 or more	25 - 30	- 35
	600-999	17 - 20	- 23
	1-599	13 - 15	- 17
170.05 AM	Forgery 3	34 - 40	- 46
170.20 AM	Criminal Possession of a Forged Instrument	30 - 35	- 40
170.55 BM	Unlawful Use of Slugs	13 - 15	- 17
110/ 170.70 AM	Attempted Illegal Possession of Vehicle ID Number	30 - 35	- 40
175.05 AM	Falsifying Business Records 2	42 - 50	- 58
110/ 175.05 BM	Attempted Falsifying Business Records 2	17 - 20	- 23
176.10 AM	Insurance Fraud 5	51 - 60	- 69

PL Charge	Type of Offense	Number of Day-Fine Units
		Discount-PRESUMPTIVE-Premium
190.05 BM	Issuing a Bad Check	13 - 15 - 17
190.25 AM	Criminal Impersonation 2	42 - 50 - 58
195.05 AM	Obstructing Governmental Administration 2	21 - 25 - 29
200.30 AM	Giving Unlawful Gratuities	42 - 50 - 58
205.20 AM	Promoting Prison Contraband 2	42 - 50 - 58
205.30 AM	Resisting Arrest	21 - 25 - 29
210.35 AM	Making an Apparently Sworn False Statement	51 - 60 - 69
210.45 AM	Making a Punishable False Written Statement	51 - 60 - 69
215.50 AM	Criminal Contempt 2	64 - 75 - 86
110/ 215.50 BM	Attempted Criminal Contempt 2	17 - 20 - 23
220.03 AM	Criminal Possession of a Controlled Substance 7: Range of 35-50 DF	
	A. Possession of cocaine, heroin, PCP, LSD or other "street jobs"	42 - 50 - 58
	B. Criminal possession of valium, methadone, or other pharmaceutical drugs	30 - 35 - 40
220.45 AM	Criminal Possession of a Hypodermic Instrument	13 - 15 - 17
220.50 AM	Criminal Use of Drug Paraphernalia 2	13 - 15 - 17
221.05 vio	Unlawful Possession of Marijuana	13 - 15 - 17
221.10 BM	Possession of Marijuana 5	13 - 15 - 17

PL Charge	Type of Offense	Number of Day-Fine Units		
		Discount	PRESUMPTIVE	Premium
221.15 AM	Possession of Marijuana 4	30	35	40
221.40 AM	Sale of Marijuana 4	42	50	58
110/ 221.40 BM	Attempted Sale of Marijuana 4	21	25	29
225.05 AM	Promoting Gambling 2	42	50	58
225.15 AM	Possession of Gambling Records 2	42	50	58
230.00 BM	Prostitution	13	15	17
240.20 vio	Disorderly Conduct	13	15	17
240.25 vio	Harrassment	13	15	17
240.30 AM	Aggravated Harrassment 2	42	50	58
240.35 vio	Loitering	13	15	17
240.36 BM	Loitering 1	13	15	17
240.37A AM	Loitering for Prostitution	21	25	29
240.37 B BM	Loitering for Prostitution	13	15	17
240.37V vio	Loitering for Prostitution	13	15	17
240.45 BM	Criminal Nuisance	13	15	17
240.50 BM	Falsely Reporting an Incident 3	17	20	23

PL Charge	Type of Offense	Number of Day-Fine Units	
		Discount	PRESUMPTIVE-Premium
240.55 AM	Falsely Reporting an Incident 2	30 - 35	40
245.00 BM	Public Lewdness	25 - 30	35
110/ 250.05 AM	Attempted Eavesdropping	30 - 35	40
260.10 AM	Endangering the Welfare of a Child: Range of 20-90 DF		
	A. Serious physical injury with indication of neglect by parent or guardian	76 - 90	104
	B. Neglect of a child involving substantial risk of serious physical injury	42 - 50	58
	C. Neglect of a child	17 - 20	23
260.20 BM	Unlawfully Dealing with a Child	13 - 15	17
265.01 AM	Criminal Possession of a Weapon 4: Range of 35-60 DF		
	A. Criminal Possession of a Firearm	51 - 60	69
	B. Criminal Possession of Any Other Dangerous or Deadly Weapon	30 - 35	40
110/ 265.01 BM	Attempted Criminal Possession of a Weapon 4: Range of 15-25 DF		
	A. Criminal Possession of a Firearm	21 - 25	29
	B. Criminal Possession of Any Other Dangerous or Deadly Weapon	13 - 15	17
270.00 BM or vio	Unlawfully Dealing with Fireworks Range of 15-35 DF	21 - 25	29
	A. Offering fireworks for sale; a B misdemeanor	30 - 35	40
	B. Possession of fireworks for use; a violation	13 - 15	17
270.05 BM	Unlawfully Possessing Noxious Material	13 - 15	17

Table 2

Dollar-Value of One Day-Fine Unit
By Net Daily Income and Number of Dependents

Net Daily Income (\$)	Number of Dependents (Including Self)							
	1	2	3	4	5	6	7	8
\$3	\$1.28	\$1.05	\$0.83	\$0.68	\$0.53	\$0.45	\$0.37	\$0.30
4	1.70	1.40	1.10	0.90	0.70	0.60	0.50	0.40
5	2.13	1.75	1.38	1.13	0.88	0.75	0.62	0.50
6	2.55	2.10	1.65	1.35	1.05	0.90	0.75	0.60
7	2.98	2.45	1.93	1.58	1.23	1.05	0.87	0.70
8	3.40	2.80	2.20	1.80	1.40	1.20	1.00	0.80
9	3.83	3.15	2.48	2.03	1.58	1.35	1.12	0.90
10	4.25	3.50	2.75	2.25	1.75	1.50	1.25	1.00
11	4.68	3.85	3.03	2.47	1.93	1.65	1.37	1.10
12	5.10	4.20	3.30	2.70	2.10	1.80	1.50	1.20
13	5.53	4.55	3.58	2.93	2.28	1.95	1.62	1.30
14	7.85	4.90	3.85	3.15	2.45	2.10	1.75	1.40
15	8.42	5.25	4.13	3.38	2.63	2.25	1.87	1.50
16	8.98	5.60	4.40	3.60	2.80	2.40	2.00	1.60
17	9.54	5.95 ⁵⁵	4.68	3.83	2.98	2.55	2.12	1.70
18	10.10	6.30 ⁵⁵	4.95	4.05	3.15	2.70	2.25	1.80
19	10.66	8.78 ⁴⁶	5.23	4.28	3.33	2.85	2.37	1.90
20	11.22	9.24	5.50	4.50	3.50	3.00	2.50	2.00
21	11.78	9.70	5.78	4.73	3.68	3.15	2.62	2.10
22	12.34	10.16	6.05	4.95	3.85	3.30	2.75	2.20
23	12.90	10.63	6.33	5.18	4.03	3.45	2.87	2.30
24	13.46	11.09	6.61	5.40	4.20	3.60	3.00	2.40
25	14.03	11.55	6.89	5.63	4.38	3.75	3.12	2.50
26	14.59	12.01	7.17	5.85	4.55	3.90	3.25	2.60
27	15.15	12.47	7.45	6.08	4.73	4.05	3.37	2.70
28	15.71	12.94	7.73	6.32	4.90	4.20	3.50	2.80
29	16.27	13.40	8.01	6.55	5.07	4.35	3.62	2.90
30	16.83	13.86	8.29	6.79	5.25	4.50	3.75	3.00
31	17.39	14.32	8.57	7.02	5.43	4.65	3.87	3.10
32	17.95	14.78	8.85	7.25	5.60	4.80	4.00	3.20
33	18.51	15.25	9.13	7.48	5.78	4.95	4.12	3.30
34	19.07	15.71	9.41	7.71	5.95	5.10	4.25	3.40
35	19.64	16.17	9.69	7.94	6.13	5.25	4.37	3.50
36	20.20	16.63	9.97	8.17	6.30	5.40	4.50	3.60
37	20.76	17.09	10.25	8.40	6.48	5.55	4.62	3.70
38	21.32	17.56	10.53	8.63	6.65	5.70	4.75	3.80
39	21.88	18.02	10.81	8.86	6.83	5.85	4.87	3.90
40	22.44	18.48	11.09	9.09	7.00	6.00	5.00	4.00

Net Daily Income (\$)	Number of Dependents (Including Self)							
	1	2	3	4	5	6	7	8
41	\$23.00	\$18.94	\$14.88	\$12.18	\$9.47	\$8.12	\$5.12	\$4.10
42	23.56	19.40	15.25	12.47	9.70	8.32	5.25	4.20
43	24.12	19.87	15.61	12.77	9.93	8.51	7.09	4.30
44	24.68	20.33	15.97	13.07	10.16	8.71	7.26	4.40
45	25.25	20.79	16.34	13.37	10.40	8.91	7.42	4.50
46	25.81	21.25	16.70	13.66	10.63	9.11	7.59	4.60
47	26.37	21.71	17.06	13.96	10.86	9.31	7.75	4.70
48	26.93	22.18	17.42	14.26	11.09	9.50	7.92	6.34
49	27.49	22.64	17.79	14.55	11.32	9.70	8.08	6.47
50	28.05	23.10	18.15	14.85	11.55	9.90	8.25	6.60
51	28.61	23.56	18.51	15.15	11.78	10.10	8.41	6.73
52	29.17	24.02	18.88	15.44	12.01	10.30	8.58	6.86
53	29.73	24.49	19.24	15.74	12.24	10.49	8.74	7.00
54	30.29	24.95	19.60	16.04	12.47	10.69	8.91	7.13
55	30.86	25.41	19.97	16.34	12.71	10.89	9.07	7.26
56	31.42	25.87	20.33	16.63	12.94	11.09	9.24	7.39
57	31.98	26.33	20.69	16.93	13.17	11.29	9.40	7.52
58	32.54	26.80	21.05	17.23	13.40	11.48	9.57	7.66
59	33.10	27.26	21.42	17.52	13.63	11.68	9.73	7.79
60	33.66	27.72	21.78	17.82	13.86	11.88	9.90	7.92
61	34.22	28.18	22.14	18.12	14.09	12.08	10.06	8.05
62	34.78	28.64	22.51	18.41	14.32	12.28	10.23	8.18
63	35.34	29.11	22.87	18.71	14.55	12.47	10.39	8.32
64	35.90	29.57	23.23	19.01	14.78	12.67	10.56	8.45
65	36.47	30.03	23.60	19.31	15.02	12.87	10.72	8.58
66	37.03	30.49	23.96	19.60	15.25	13.07	10.89	8.71
67	37.59	30.95	24.32	19.90	15.48	13.27	11.05	8.84
68	38.15	31.42	24.68	20.20	15.71	13.46	11.22	8.98
69	38.71	31.88	25.05	20.49	15.94	13.66	11.38	9.11
70	39.27	32.34	25.41	20.79	16.17	13.86	11.55	9.24
71	39.83	32.80	25.77	21.09	16.40	14.06	11.71	9.37
72	40.39	33.26	26.14	21.38	16.63	14.26	11.88	9.50
73	40.95	33.73	26.50	21.68	16.86	14.45	12.04	9.64
74	41.51	34.19	26.86	21.98	17.09	14.65	12.21	9.77
75	42.08	34.65	27.23	22.28	17.33	14.85	12.37	9.90
76	42.64	35.11	27.59	22.57	17.56	15.05	12.54	10.03
77	43.20	35.57	27.95	22.87	17.79	15.25	12.70	10.16
78	43.76	36.04	28.31	23.17	18.02	15.44	12.87	10.30
79	44.32	36.50	28.68	23.46	18.25	15.64	13.03	10.43
80	44.88	36.96	29.04	23.76	18.48	15.84	13.20	10.56

Net Daily Income (\$)	Number of Dependents (Including Self)							
	1	2	3	4	5	6	7	8
\$81	\$45.44	\$37.42	\$29.40	\$24.06	\$18.71	\$16.04	\$13.36	\$10.69
82	46.00	37.88	29.77	24.35	18.94	16.24	13.53	10.82
83	46.56	38.35	30.13	24.65	19.17	16.43	13.69	10.96
84	47.12	38.81	30.49	24.95	19.40	16.63	13.86	11.09
85	47.69	39.27	30.86	25.25	19.64	16.83	14.02	11.22
86	48.25	39.73	31.22	25.54	19.87	17.03	14.19	11.35
87	48.81	40.19	31.58	25.84	20.10	17.23	14.35	11.48
88	49.37	40.66	31.94	26.14	20.33	17.42	14.52	11.62
89	49.93	41.12	32.31	26.43	20.56	17.62	14.68	11.75
90	50.49	41.58	32.67	26.73	20.7 ^o	17.82	14.85	11.88
91	51.05	42.04	33.03	27.03	21.02	18.02	15.01	12.01
92	51.61	42.50	33.40	27.32	21.25	18.22	15.18	12.14
93	52.17	42.97	33.76	27.62	21.48	18.41	15.34	12.28
94	52.73	43.43	34.12	27.92	21.71	18.61	15.51	12.41
95	53.30	43.89	34.49	28.22	21.95	18.81	15.67	12.54
96	53.86	44.35	34.85	28.51	22.18	19.01	15.84	12.67
97	54.42	44.81	35.21	28.81	22.41	19.21	16.00	12.80
98	54.98	45.28	35.57	29.11	22.64	19.40	16.17	12.94
99	55.54	45.74	35.94	29.40	22.87	19.60	16.33	13.07
100	56.10	46.20	36.30	29.70	23.10	19.80	16.50	13.20

Table 3

Median Salary (Bi-Weekly Gross)
By Occupation Type

Marketing and Sales Occupations	
Cashiers	\$ 360
Counter and Rental Clerks	380
Insurance Agents and Brokers	
Beginning	700
5-9 Years Exp.	1800
10+ Years Experience	2685
Manufacturer's Sales Workers	980
Real Estate Agents and Brokers	
Agents	730
Brokers	1340
Retail Sales Workers	430
Securities and Financial Services	
Sales Representatives	
Beginning	1420
Experienced	3490
Services Sales Representatives	805
Travel Agents and Managers	
Travel Agents	615
Managers	1150
Wholesale Trade Sales Workers	980
 Administrative Support Occupations, Including Clerical	
Bank Tellers	460
Bookkeepers and Accounting Clerks	570
Clerical Supervisors and Managers	845
Computer and Peripheral Equipment Operator	630
Data Entry Keyers	550
File Clerks	475
General Office Clerk	565
Insurance Claims and Policy Processing	
Inside Adjusters	735
Outside Adjusters	825
Records Clerks	600
Claims Clerks	550

Source: Occupational Outlook Handbook, 1988-89 Edition,
U.S. Department of Labor, Bureau of Labor Statistics, April 1988

Postal Clerks and Mail Carriers	
Beginning	\$770
Maximum	1040
Receptionists and Information Clerks	485
Reservation and Transportation Ticket Agents and Travel Clerks	840
Secretaries	765
Statistical Clerks	680
Stenographers	
Beginning, private	705
Experienced, private	830
Federal Government	570
Stock Clerks	600
Teacher Aides	510
Telephone Operator	630
Traffic, Shipping, Receiving Clerks	590
Typists and Word Processors	
Beginning Typist	485
Experienced Typist	650
Word Processor	615
Government Typist	475

Service Occupations

Correction Occupations	
Local	700
State	670
Federal	780
Firefighting Occupations	800
Guards	425
Police, Detectives, Special Agents	
Police Patrol Officers	830
Police and Detective Sgts.	1025
Police and Detective Lts.	1165

Food and Beverage Preparation and Service

Chefs, Cooks, and Other Kitchen Work	
Chefs	670
Cooks	420
Assistant Cooks	380
Short-Order Cooks	360
Bread/Pastry Bakers	405
Salad Preparation	340
Fast-Food Preparation	310
Food and Beverage Service Workers (Including Tips)	
Waiters/Waitresses	345
Bartenders	430

General Maintenance Mechanics	\$760
Heating, Air-Conditioning, Refrigeration Mechanics	780
Home Appliance and Power Tool Repairers	600-920
Industrial Machinery Repairers	830
Line Installers and Cable Splicers	1055
Millwrights	1005
Mobile Heavy Equipment Mechanics	880
Motorcycle, Boat, and Small-Engine Mechanics	600
Musical Instrument Repairers and Tuners	
Beginning	305-385
Experienced	765-1535
Office Machine and Cash Register Services	750
Telephone Installers and Repairers	1220
Vending Machine Servicers and Repairers	240-1120

Construction Trades and Extractive Occupation

Bricklayers and Stonemasons	820
Carpenters	695
Carpet Installers	660
Concrete Masons and Terrazzo Workers	690
Drywall Workers and Lathers	750
Electricians	945
Glaziers	720
Insulation Workers	740
Painters and Paperhangers	600
Plasterers	750
Plumbers and Pipefitters	940
Roofers	610
Roustabouts	890
Sheet Metal Workers	1400
Structural and Reinforcing Metal Workers	930
Tilesetters	850

Production Occupations

Apparel Workers	
Sewing Machine Operators	360
Pressing Machine Operators	400
Bindery Workers	
Beginning	710
Experienced	975

Blue-Collar Worker Supervisors	\$970
Boilermakers	380-1240
Butchers and Meatcutters	750-1195
Compositors and Typesetters	690
Dental Laboratory Technicians	720
Electric Power Generating Plant Operators, Power Distributors and Dispatchers	1120
Inspectors, Testers, Graders	680
Jewelers	
Retail	770
Manufacturing	700-1000
Lithographers and Photengraving Workers	
Photoengravers	1205
Lithographers	1180
Machinists	840
Metalworking and Plasticworking Machine Operators	
Motor Vehicles and Equipment	1080
Aircraft and Parts	1030
Primary Metal Industries	955
Machinery Manufacturing, Except Electrical	845
Fabricated Metal Products	790
Electrical and Electronic Machinery and Equipment	775
Misc. Plastics Products	650
Numerical-Control Machine-Tool Operators	800
Ophthalmic Laboratory Technicians	385-575
Painting and Coating Machine Operators	620
Photographic Process Workers	500
Precision Assemblers	600
Printing Press Operators	1330
Shoe and Leather Workers and Repairers	600
Stationary Engineers	1230
Textile Machinery Operators	650
Tool-and-Die Makers	1020
Upholsterers	480-1040
Water and Wastewater Treatment Plant Operators	
Operator	775
Supervisor	860

Welders, Cutters, and Welding Machine Operators	
Welding Machine Operators	\$720
Welders and Cutters	1120
Woodworking Occupations	540
Transportation and Material Moving Occupation	
Busdrivers	650
Material Moving Equipment Operators	750
Truckdrivers	
Tractor-Trailers	955
Medium Trucks	885
Heavy Straight Trucks	815
Light Trucks	610
Construction Trades Helpers	550

Appendix B:

Day Fines Program for Phoenix, Arizona

- **Benchmark Scale**
- **Daily Income Reference Table**
- **Daily Income Figures for Skilled Unemployed Defendants**

Financial Assessment Units by Offense

Table 2

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-1703 6F	Arson, Att.	50
13-1703 5F	Arson	85
13-1704 4F	Arson, Solic.	335
13-1703 4F	Arson	170
13-1704 3F	Arson, Att.	340
13-1704 2F	Arson	N/A
13-1203 3M	Assault	15
13-1203 2M	Assault	25
13-1204 1M	Assault, Aggravated, Att.	35
13-1203 1M	Assault	35
13-1204 6F	Assault, Aggravated	70
13-1204 4F	Assault, Aggravated, Att.	190
13-1204 3F	Assault, Aggravated	270
13-1204 2F	Assault, Aggravated	360
13-3305 1M	Betting and Wagering, Att.	20
13-3305 6F	Betting and Wagering	30
13-1506 2M	Burglary, 3rd deg., Att. Facil.	25
13-1506 1M	Burglary, 3rd deg., Facil.	50
13-1507 1M	Burglary, 2nd deg., Att. Facil.	35
13-1507 6F	Burglary, 2nd deg., Facil.	50
13-1506 6F	Burglary, 3rd deg., Solic.	65
13-1506 5F	Burglary, 3rd deg., Att.	120
13-1507 5F	Burglary, 2nd deg., Solic.	160
13-1507 4F	Burglary, 2nd deg., Att.	235
13-1506 4F	Burglary, 3rd deg.	160
13-1507 3F	Burglary, 2nd deg.	340
13-1508 3F	Burglary, 1st deg.	340
13-1508 2F	Burglary, 1st deg.	N/A
13-1505 1M	Burglary Tools, Poss., Att.	15
13-1505 6F	Burglary Tools, Poss.	65
13-3623 1M	Child Abuse, Att.	35
13-3623 6F	Child Abuse	70
13-3623 5F	Child Abuse	125
13-3623 4F	Child Abuse	190
13-3623 3F	Child Abuse	270
13-3623 2F	Child Abuse	N/A
13-1410 3F	Child Molestation, Att.	260
13-1410 2F	Child Molestation	N/A
13-3212 3F	Child Prostitution, Att.	350
13-2316 1M	Computer Fraud, 2nd deg., Att.	20
13-2316 6F	Computer Fraud, 2nd deg.	80
13-2316 3F	Computer Fraud, 1st deg.	200

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-3453 1M	Cont. Sub., Man.Dis.Pos.Dis.Imitat., Att.	20
13-3453 6F	Cont. Sub., Man.Dis.Pos.Dis.Imitation.	40
13-3613 1M	Contributing to Deliq./Depend. of Child	30
13-1602 2M	Criminal Damage	15
13-1604 1M	Criminal Damage, Aggravated	20
13-1602 1M	Criminal Damage, Att.	20
13-1604 6F	Criminal Damage, Aggravated	60
13-1602 6F	Criminal Damage	45
13-1602 5F	Criminal Damage	100
13-2006 1M	Criminal Impersonation	20
13-2003 1M	Criminal Poss. Forgery Device, Att.	30
13-2003 6F	Criminal Poss. Forgery Device	45
13-2004 6F	Criminal Simulation	30
13-1502 3M	Criminal Trespass, 3rd deg.	10
13-1503 2M	Criminal Trespass, 2nd deg.	15
13-1504 1M	Criminal Trespass, 1st deg.	20
13-1504 6F	Criminal Trespass, 1st deg.	60
13-1302 1M	Custodial Interference	25
13-1302 6F	Custodial Interference	50
13-3407 1M	Dangerous Drug, Poss.	20
13-3407 6F	Dangerous Drug, Poss, Solic.	45
13-3407 5F	Dangerous Drug, Poss., Att.	105
13-3407 4F	Dangerous Drug, Poss.	150
13-3407 3F	Dangerous Drug, Trans./Sell, Att.	220
13-3407 2F	Dangerous Drug, Trans./Sell	320
36-0861 5F	Disinterment of a Human Body	75
13-2904 1M	Disorderly Conduct	20
28-0473 1M	Driving with a Suspended License	20
13-3415 2M	Drug Paraphernalia, Pos.Man.Del., Solic.	15
13-3415 1M	Drug Paraphernalia, Pos.Man.Del., Att.	20
13-3415 6F	Drug Paraphernalia, Pos.Man.Del.	40
28-0692 1M	DUI with One Prior	85
28-0692 6F	DUI with Two Priors, Att.	65
28-0692 5F	DUI with License Suspended	115
13-1201 1M	Endangerment	35
13-1201 6F	Endangerment	70
13-2503 1M	Escape, 2nd deg., Facil.	40
13-2502 1M	Escape, 3rd deg., Att.	40
13-2503 6F	Escape, 2nd deg., Att.	95
13-2502 6F	Escape, 3rd deg.	75
13-2503 5F	Escape, 2nd deg.	195

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-2507 1M	Failure to Appear, 1st degree, Att.	30
13-3620 1M	Failure to Report Child Abuse	30
13-3002 1M	False or Forged Messages, Att.	20
13-3002 6F	False or Forged Messages	30
13-2907 1M	False Reporting	20
13-2107 1M	False Statement Fin. Cond. or ID, Att.	20
13-2107 6F	False Statement Fin. Cond. or ID	30
23-0785 6F	False Statement	30
13-2703 6F	False Swearing	55
13-2002 1M	Forgery, Facil.	30
13-2002 6F	Forgery, Solic.	45
13-2002 5F	Forgery, Att.	100
13-2002 4F	Forgery	140
13-2104 6F	Forgery of Credit Card	30
44-1220 1M	Fraudulent Insurance Claim, Att.	30
44-1220 6F	Fraudulent Insurance Claim	55
13-2310 1M	Fraudulent Schemes & Arti., Att. Facil.	20
13-2310 6F	Fraudulent Schemes & Arti., Facil.	60
13-2310 4F	Fraudulent Schemes & Arti., Solic.	80
13-2310 3F	Fraudulent Schemes & Arti., Att.	140
13-2310 2F	Fraudulent Schemes & Arti.	295
13-2311 1M	Fraudulent Schemes & Prac., Facil.	20
13-2311 6F	Fraudulent Schemes & Prac., Att.	30
13-2311 5F	Fraudulent Schemes & Prac.	60
13-2105 1M	Fraudulent Use of Credit Card	20
13-2105 6F	Fraudulent Use of Credit Card	30
13-2512 1M	Hindering Prosecution, 1st deg., Facil.	20
13-2512 6F	Hindering Prosecution, 1st deg., Att.	30
13-2512 5F	Hindering Prosecution, 1st deg.	75
13-2312 6F	Illegal Control of an Enter., Facil.	60
13-2312 4F	Illegal Control of an Enter., Att.	140
13-2312 3F	Illegal Control of an Enterprise	200
49-0923 6F	Illegal Disposal of Hazardous Waste	115
13-3608 4F	Incest	260
13-1402 1M	Indecent Exposure	20
13-1402 6F	Indecent Exposure	70
13-2802 1M	Influencing a Witness	30
13-2810 1M	Interfering with Judicial Proceedings	55
13-1807 1M	Issuing a Bad Check	20
13-3208 1M	Keeping/House of Prost., Employee	20
13-3208 6F	Keeping/House of Prost., Operating, Att.	55
13-3208 5F	Keeping/House of Prost., Operating	95

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-1304 5F	Kidnapping, Att.	130
13-1304 4F	Kidnapping	180
13-1304 3F	Kidnapping	260
13-1304 2F	Kidnapping	N/A
28-0661 1M	Leaving the Scene of an Inj. Acc., Att.	30
28-0661 6F	Leaving the Scene of an Inj. Acc.	55
28-0663 6F	Leaving the Scene of an Inj. Acc.	55
13-2905 3M	Loitering	10
13-2905 1M	Loitering, Att.	20
13-2905 6F	Loitering	30
13-1103 3F	Manslaughter	N/A
13-3405 1M	Marijuana, Poss., Att.	20
13-3405 6F	Marijuana, Poss.	45
13-3405 5F	Marijuana, Poss.	60
13-3405 4F	Marijuana, Poss. for Sale	105
13-3405 3F	Marijuana, Poss. for Sale	150
13-3405 2F	Marijuana, Trans./Sell	220
13-3102 2M	Misconduct Involving Weapons, Att.	20
13-3102 1M	Misconduct Involving Weapons	45
13-3102 6F	Misconduct Involving Weapons	80
13-3102 5F	Misconduct Involving Weapons, Att.	105
13-3102 4F	Misconduct Involving Weapons	145
13-2317 6F	Money Laundering, 2nd deg., Facil.	60
13-2317 3F	Money Laundering, 2nd deg.	200
13-1105 5F	Murder, 1st deg., Facil.	270
13-1105 3F	Murder, 1st deg., Solic.	N/A
13-1104 2F	Murder, 2nd degree, Att.	N/A
13-1105 2F	Murder, 1st degree, Att.	N/A
13-1104 1F	Murder, 2nd degree	N/A
13-1105 1F	Murder, 1st degree	N/A
13-3408 1M	Narcotic Drug, Poss., Facil.	20
13-3408 6F	Narcotic Drug, Poss., Solic.	45
13-3408 5F	Narcotic Drug, Poss., Att.	105
13-3408 4F	Narcotic Drug, Poss.	150
13-3408 3F	Narcotic Drug, Trans./Sell, Att.	220
13-3408 2F	Narcotic Drug, Trans./Sell	320
13-1102 4F	Negligent Homicide	190
13-3506 4F	Obscene/Harmful Items, Furn. to Minors	135
13-3502 1M	Obscene Items, Prod. Publ. Sale..., Facil.	20
13-3502 6F	Obscene Items, Prod. Publ. Sale..., Att.	30
13-2409 5F	Obstructing Criminal Investigations	95
13-3209 5F	Pandering	55

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-2702 4F	Perjury	135
13-3554 1M	Portraying Adult as Minor	20
13-3406 1M	Prescription Drug, Poss.	20
13-3406 6F	Prescription Drug, Poss. for Sale	30
13-3303 1M	Promoting Gambling, Facil	20
13-3303 6F	Promoting Gambling, Att.	30
13-3303 5F	Promoting Gambling	55
13-2505 1M	Promoting Prison Contraband, Facil.	20
13-2505 6F	Promoting Prison Contraband, Att.	80
13-2505 5F	Promoting Prison Contraband	105
13-2505 4F	Promoting Prison Contraband, Att.	220
13-2505 3F	Promoting Prison Contraband	320
13-3214 1M	Prostitution	20
13-3507 1M	Public Display of Expl. Sex. Mat., Att.	20
13-1403 5F	Public Sexual Indecency to a Minor	260
13-2103 6F	Receipt by Fraud. Use of Credit Card	30
13-3204 6F	Receiving Earnings of a Prostitute, Att.	55
13-3204 5F	Receiving Earnings of Prostitute	95
13-1702 1M	Reckless Burning	35
13-2508 1M	Resisting Arrest, Att.	30
13-2508 6F	Resisting Arrest	75
13-1902 6F	Robbery, Solic.	85
13-1902 5F	Robbery, Att.	120
13-1902 4F	Robbery	235
13-1903 6F	Robbery, Agg., Facil.	85
13-1903 4F	Robbery, Aggravated, Att.	235
13-1903 3F	Robbery, Aggravated	340
13-1904 6F	Robbery, Armed, Facil.	115
13-1904 4F	Robbery, Armed, Solic.	235
13-1904 3F	Robbery, Armed, Att.	340
13-1904 2F	Robbery, Armed	N/A
13-2408 1M	Securing the Proceeds of a Felony, Att.	45
13-2408 6F	Securing the Proceeds of a Felony	55
13-1404 1M	Sexual Abuse, Facil.	35
13-1404 6F	Sexual Abuse, Att.	70
13-1404 5F	Sexual Abuse	130
13-1404 4F	Sexual Abuse, Att.	260
13-1404 3F	Sexual Abuse	350
13-1406 6F	Sexual Assault of a Spouse	180
13-1406 3F	Sexual Assault, Att.	350
13-1406 2F	Sexual Assault	N/A

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-1405 1M	Sexual Conduct, Minor 15 or >, Att.	50
13-1405 6F	Sexual Conduct, Minor 15 or >	180
13-1405 5F	Sexual Conduct, Minor <15, Solic., Att.	130
13-1405 4F	Sexual Conduct, Minor <15, Solic.	180
13-1405 3F	Sexual Conduct, Minor <15, Att.	260
13-1405 2F	Sexual Conduct, Minor <15	N/A
13-3553 3F	Sexual Exploitation of a Minor, Att.	350
13-3553 2F	Sexual Exploitation of a Minor	350
13-1403 6F	Sexual Indecency to a Minor, Att.	90
13-1805 1M	Shoplifting	20
13-1805 6F	Shoplifting	60
13-2809 1M	Tampering with Physical Evidence, Att.	40
13-2809 6F	Tampering with Physical Evidence	75
13-2407 1M	Tampering with a Public Record, Att.	40
13-2804 6F	Tampering with a Witness	135
13-1802 1M	Theft	20
13-1802 6F	Theft	45
13-1802 5F	Theft	80
13-1802 4F	Theft	100
13-1802 3F	Theft	145
13-2102 1M	Theft of Credit Card, Solic.	20
13-2102 6F	Theft of Credit Card, Att.	45
13-2102 5F	Theft of Credit Card or Fraud. Obtain.	80
13-1804 1M	Theft by Extortion, Facil.	50
13-1804 4F	Theft by Extortion	160
13-1202 1M	Threatening or Intimidating Assault	25
13-2307 1M	Traffic. Stln. Prop., 2nd deg, Att.Facil.	20
13-2307 6F	Traffic. Stln. Prop., 2nd deg., Facil.	45
13-2307 5F	Traffic. Stln. Prop., 2nd deg., Solic.	80
13-2307 4F	Traffic. Stln. Prop., 2nd deg., Att.	100
13-2307 3F	Traffic. Stln. Prop., 2nd deg.	140
13-2307 2F	Traffic. Stln. Prop., 1st deg.	295
13-1806 1M	Unlawful Failure to Return Rented Prop.	20
13-1806 6F	Unlawful Failure to Return Rented Prop.	60
28-0622 6F	Unlawful Flight from Law Officer, Att.	85
28-0622 5F	Unlawful Flight from Law Officer	135
13-1303 1M	Unlawful Imprisonment	35
13-1303 6F	Unlawful Imprisonment	70
13-3701 1M	Unlawful Use of Food Stamps	20
13-3701 6F	Unlawful Use of Food Stamps	30
13-1803 1M	Unlawful Use of Means of Transp., Att.	20
13-1803 6F	Unlawful Use of Means of Transp.	60

<u>Code/Class</u>	<u>Charge</u>	<u>Units</u>
13-2704 6F	Unsworn Falsification	40
13-2916 1M	Use/Telephone to Terrify/Threaten/Harass	30
13-3403 1M	Vapor/Toxic Substance, Pos./Sale	30
13-3403 6F	Vapor/Toxic Substance, Pos./Sale., Att.	80
13-3403 5F	Vapor/Toxic Substance, Pos./Sale	145

May 21, 1991

Financial Assessment Unit Values

Table 1

NET Daily Income \$	Total Persons Supported (Including Defendant)							
	1	2	3	4	5	6	7	8
3	2	1	1	1	1	1	1	0
4	2	2	2	1	1	1	1	1
5	3	2	2	2	1	1	1	1
6	3	3	3	2	1	1	1	1
7	4	3	3	2	2	1	1	1
8	5	4	3	2	2	2	1	1
9	5	4	4	3	2	2	2	1
10	6	5	4	3	2	2	2	1
11	6	5	5	3	3	2	2	1
12	7	6	5	4	3	2	2	2
13	7	6	6	4	3	3	2	2
14	8	7	6	4	3	3	2	2
15	9	7	7	5	4	3	3	2
16	9	7	7	5	4	3	3	2
17	10	8	7	5	4	3	3	2
18	10	8	8	5	4	4	3	2
19	16	9	8	6	4	4	3	3
20	17	9	9	6	5	4	3	3
21	18	10	9	6	5	4	4	3
22	19	10	10	7	5	4	4	3
23	20	11	10	7	5	5	4	3
24	20	11	10	7	6	5	4	3
25	21	18	11	8	6	5	4	3
26	22	18	11	8	6	5	4	3
27	23	19	12	8	6	5	5	4
28	24	20	12	8	7	6	5	4
29	25	20	13	9	7	6	5	4
30	26	21	20	9	7	6	5	4
31	26	22	20	9	7	6	5	4
32	27	22	21	10	7	6	5	4
33	28	23	21	10	8	7	6	4
34	29	24	22	10	8	7	6	5
35	30	25	23	11	8	7	6	5
36	31	25	23	11	8	7	6	5
37	31	26	24	11	9	7	6	5
38	32	27	25	17	9	8	7	6
39	33	27	25	18	9	8	7	5
40	34	28	26	18	9	8	7	5

NET Daily Income \$	Total Persons Supported (Including Defendant)							
	1	2	3	4	5	6	7	8
41	35	29	27	18	10	8	7	5
42	36	29	27	19	10	8	7	6
43	37	30	28	19	10	9	7	6
44	37	31	29	20	10	9	7	6
45	38	32	29	20	16	9	8	6
46	39	32	30	21	16	9	8	6
47	40	33	31	21	16	9	8	6
48	41	34	31	22	17	10	8	6
49	42	34	32	22	17	10	8	7
50	43	35	33	23	18	10	8	7
51	43	36	33	23	18	15	9	7
52	44	36	34	23	18	16	9	7
53	45	37	34	24	19	16	9	7
54	46	38	35	24	19	16	9	7
55	47	39	36	25	19	17	9	7
56	48	39	36	25	20	17	9	7
57	48	40	37	26	20	17	14	8
58	49	41	38	26	20	17	15	8
59	50	41	38	27	21	18	15	8
60	51	42	39	27	21	18	15	8
61	52	43	40	27	21	18	15	8
62	53	43	40	28	22	19	16	8
63	54	44	41	28	22	19	16	13
64	54	45	42	29	22	19	16	13
65	55	46	42	29	23	20	16	13
66	56	46	43	30	23	20	17	13
67	57	47	44	30	23	20	17	13
68	58	48	44	31	24	20	17	14
69	59	48	45	31	24	21	17	14
70	60	49	46	32	25	21	18	14
71	60	50	46	32	25	21	18	14
72	61	50	47	32	25	22	18	14
73	62	51	47	33	26	22	18	15
74	63	52	48	33	26	22	19	15
75	64	53	49	34	26	23	19	15
76	65	53	49	34	27	23	19	15
77	65	54	50	35	27	23	19	15
78	66	55	51	35	27	23	20	16
79	67	55	51	36	28	24	20	16
80	68	56	52	36	28	24	20	16

NET Daily Income \$	Total Persons Supported (Including Defendant)							
	1	2	3	4	5	6	7	8
81	69	57	53	36	28	24	20	16
82	70	57	53	37	29	25	21	16
83	71	58	54	37	29	25	21	17
84	71	59	55	38	29	25	21	17
85	72	60	55	38	30	26	21	17
86	73	60	56	39	30	26	22	17
87	74	61	57	39	30	26	22	17
88	75	62	57	40	31	26	22	18
89	76	62	58	40	31	27	22	18
90	77	63	59	41	32	27	23	18
91	77	64	59	41	32	27	23	18
92	78	64	60	41	32	28	23	18
93	79	65	60	42	33	28	23	19
94	80	66	61	42	33	28	24	19
95	81	67	62	43	33	29	24	19
96	82	67	62	43	34	29	24	19
97	82	68	63	44	34	29	24	19
98	83	69	64	44	34	29	25	20
99	84	69	64	45	35	30	25	20
100	85	70	65	45	35	30	25	20

NVAL4
May 21, 1991

NET Daily Income Figures for Skilled Unemployed Defendants. Use these figures only if the defendant is unemployed.

Unskilled and Services	\$16.00
Landscaper, "Burger King", General Laborer, Assembly, Etc.	
Clerical	\$22.00
Sales	\$22.00
Construction/Maintenance/Production	\$28.00
Managerial	\$33.00
Technical	\$39.00
Professional	\$44.00

Source: Maricopa County Small Employer Wage Survey 1989
Arizona Department of Economic Security Research Administration
April 1, 1991

Appendix C:

Day Fines Program for Milwaukee, Wisconsin

- **Benchmark Scale**

**MILWAUKEE MUNICIPAL COURT DAY-FINE
BENCHMARK SCALES**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
105-65	Abandoned Ice Box	4	0-5
105-65	Abandoned Vehicles	4	1-10
110-36	Abandonment of Shopping Carts	4	1-25
2-166(8)(a)	Alarm Companies—Faulty Alarms	7	0-25
2-166(6)(b)	Alarm Companies—Poor Response	7	0-25
106-2(2)	Alcoholic Drink Opened in Moving Vehicle	4	0-05
107-13	Amusement Machines and Devices, Coin Operated-Permit Minor to Operate	7	1-25
105-2	Assault and Battery	16	1-25
105-21(1)	Baseball, Basketball, Softball Prohibited between 10 PM-8 AM on City Play Areas, Playgrounds and Playfields	4	1-03
106-1.1	Begging	2	0-05
42-19	Billboards on Public Property	4	1-10
102-2	Bicycle License	2	1-02
102-2	Bicycle License—Parent or Guardian Permitting	2	1
102-8	Bicycle Horn or Warning Device	2	1
110-8	Breaking Street Lamps or Windows	2	1
250-5	Careless Use of Smoking Materials	13	8-250
105-34	Carrying Concealed Weapon	13	10-25
106-30	Cigarettes or Papers Transferred to Minor	2	1-2
110-1	Coin Machines—Tampering/Damage	5	3-25
106-23.2	Contributing to Delinquency	7	1-25
106-23	Curfew—Loitering of Minor under Age 17	3	0-01
106-23(1)	Curfew—Parents' Responsibility	3	1-10
106-23(2)	Curfew—Operator's Responsibility	7	1-10
106-23(3)	Curfew—Hotel's, Etc. Responsibility	7	1-10
110-3	Damage to Drinking Fountains	3	1-03
110-4	Damage to Public Property	3	1-03
105-35	Discharge of Firearms in City	16	1-25
106-1	Disorderly Conduct	5	0-10
101-43	Defacement, Unauthorized Removal and Possession of Traffic Control Signals	13	5-25
106-9.6	Display of Sexually Explicit Material or Devices to Minor	7	0-25
108-13(1)	Endurance Contests, Marathons, Etc.—Time of Participation	7	0-10
108-13(2)	Endurance Contests, Marathons, Etc.—Permit Required	7	0-10
5-3	Excavation/Installations on Public Places without Permit	6	1-13

**MILWAUKEE MUNICIPAL COURT DAY-FINE
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
81-99(5)	Failure to Comply with Precious Metal and Gem Dealers Regulations (First Offense)	21	3-50
81-99(5)	Failure to Comply with Precious Metal and Gem Dealers Regulations (Second Offense)	45	25-100
81-104(5)	Failure to Comply with Secondhand Dealers Regulations (First Offense)	21	3-50
81-104(5)	Failure to Comply with Secondhand Dealers Regulations (Second Offense)	45	25-100
5-3	Failure to Obtain Excavation Permit	5	1-13
100-67(4)	Failure to Pay Taxi Fare	5	0-25
105.47	Fireworks	7	5-25
75-17	False Communication for Emergency Medical Service	7	0-25
106-16	Fortune Telling Prohibited	4	1-25
110-32	Fraud on Hotel/Restaurant Keeper	5	0-25
84-20(15)	Fraud on Parking Lot Operators	5	3-25
107-2	Gambling/Inmate of Gambling House	7	0-10
105-70	Glue Sniffing/Transfer to Minor	7	5-25
106-8	Harassing/Obscene Phone Calls	7	3-10
2-138	Hindering an Officer	5	1-13
109-1(3)	Housing Discrimination	7	1-10
106-5	Indecent Exposure	7	3-13
106-3	Inmate of House of Prostitution	13	5-25
92-3	Junk Collectors and Dealers	16	13-50
110.12	Landlord Prohibit Forced Entry	10	1-25
106-21(2)	Library Card—Unlawful Use	5	1-10
106-21(3)	Library Materials—Fail to Return	5	1-10
106-21(4)	Library Materials—Theft	7	3-25
8-62(1)	Loiter on Drawbridge	3	1-5
106-31(1)(a)	Loitering or Prowling	7	0-25
106-31(1)(b)	Loitering—Window Peeping	7	0-25
106-31(1)(c)	Loitering—Public Rest Rooms, Lewd Acts	7	0-25
106-31(1)(d)	Loitering on School Property	7	0-25
106-31(1)(e)	Loitering in Public Buildings (Lodges)	7	0-25
106-31(1)(f)	Loitering in Restaurants, Taverns, Etc.	7	0-25
106-31(1)(g)	Loitering—Prostitution Related	13	0-25
106-11	Mashing	10	1-13
106-13	Massage Establishments	13	8-25
80-63	Noise Pollution	10	3-25
80-63(4)	Noise Nuisances Where Sound Level Measurements Not Practical	4	1-10

**MILWAUKEE MUNICIPAL COURT DAY-FINE
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
95-14	No Home Improvement License	4	1-13
106-7	Obscenity	10	5-25
5-32	Obstruction on Public Ways	6	1-13
105-55	Outdoor Magazine Solicitation	4	0-5
101-32.4	Parking Meters—Damaging/Tampering	5	3-25
92-1	Pawnbrokers License	16	13-50
106-3	Patron of House of Prostitution	4	0-05
110-1	Possession of Key to Open Meter	5	3-25
80-3	Private Visual Presentation Violation on Commercial Establishment	16	3-50
106-1.8(1)	Public Drinking	3	1-05
2-25(5)	Resisting or Obstructing Issuance of a Citation	5	1-13
110-35	Retail Theft—Value Not Over \$100	16	0-25
105-1	Riot, Disorderly Assemblage	4	0-03
84-41	Roller Skate Rentals—License Required and Restrictions	4	3-13
105-56	Sale on Public Premises	4	1-10
244-18	Signs Posted on Public Property	7	1-25
105-50	Smoking, Drinking and Radio or Tape Players on Buses	2	1-03
105-49	Smoking in Theater	2	1
105-69	Sniffing Harmful Substances/Transfer to Minor (Paint)	7	5-25
6-12	Snow Plowing Equipment License	4	1-05
6-8	Snow Removal	2	1-05
80-15	Spitting in Public Places	2	1
97-3	Tampering with Water Works Facilities and Theft of Water	16	0-50
100-52 thru 100-70	Taxi Cab Permit and Driver Regulations	4	1-5
110.12	Tenant Deny Access to Landlord	10	1-25
110-16	Theft	16	1-25
99.13(10)	Theft of Services/Tampering Cable System	31	0-25
84-48	Tires—Unservicable Tire Generators and Transporters	31	8-250
110-10	Trespassing upon Buildings or Premises	4	0-25
101-20	Unnecessary Vehicle Noises Prohibited	3	2
110-15	Vandalism	16	0-25
105-66	Vehicle Repair on Street	4	1-10
110.33	Worthless Checking	16	3-50

**MILWAUKEE MUNICIPAL COURT DAY-FINE
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
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ANIMAL ORDINANCES

78-2	Keeping of Animals	4	1-10
78-3(1)	Kennels	7	1-10
78-3(2)	Animal Fancier Permits	7	1-10
78-4	Pet Shop License	7	1-10
78-5	Grooming Establishments	7	1-10
78-7	Sanitation of Commercial Animal Establishment	4	1-10
78-8	Current Dog and Cat License Required	3	1-10
78-9(1)	Permitting Animals to Run at Large	3	1-10
78-9(2)	Setting an Animal at Large	3	1-10
78-9(3)	Animal Litter	3	1-10
78-11	Harboring Vicious Animal	7	3-25
78-13	Animal Disturbing the Peace	5	3-25
78-14	Cruelty to Animals	7	3-25
78-22	Removal of Dead Animals	7	3-25

FIRE ORDINANCES

2-159	False Fire Alarm (Per Count)	10	5-25
2-159.1	Driving over Firehose Prohibited	3	1-03
2-159.6	Fire or Police Officers - Obstruct, Hinder or Battery, Damage to Fire or Police Equipment	10	3-25

HEALTH/LITTER VIOLATIONS

2-103	Right of Entry (Health Commissioner) (First Offense)	4	3-05
2-103	Right of Entry (Health Commissioner) (Second Offense)	7	3-10
64.01 thru 64.12	Mobile Home/Campground	7	1-25
68-2	Food Sanitation	13	3-25
68-3	Impure or Adulterated Food, Drugs, Water or Ice	13	3-25
68-4	Food License	13	3-25
74-1	Food Peddlers	7	1-25
75-1	Self-Service Laundries	4	1-25
75-20 and (6)	Swimming Pool/Places	7	3-25

**MILWAUKEE MUNICIPAL COURT DAY-FINE
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
76-20	Dry Cleaners	4	1-16
77-5 and 77-6	Pest Control Operators	4	3-5
78-2(2)	Bring or Keep Dangerous Animal in City	4	1-10
78-2(3)	Number of Animals Permitted	5	1-10
78-11(4)	Fail to Destroy Vicious Animal	7	3-25
78-12	Control Rabid Animals	7	1-10
78-16	Bird Feeding	3	1-10
78-17	Pigeon Harborage	4	0-10
79-2(1) thru 79-2(12)	Solid Waste Collection and Storage Regulations	3	1-25
79-3(2)	Waste Containers Required (Commercial)	3	1-25
79-4(1)(a)	Portable, Rodent-Resistant Waste Containers Required	3	1
79-4(1)(b)	Improper Garbage Disposal	3	1
79-5(1)(a)	Proper Location of Waste Containers: House Numbers Posted on Buildings Adjacent to Alleys	3	1
79-5(1)(b)	Access to Waste Containers	3	1
79-9(1) and 79-9(4)	Private Waste Container Regulations	4	1-25
79-10(1), 79-10(2), 79-10(3)	Unlawful Dumping or Littering	4	1-25
79-11	Litter on Public Street or Property	3	1-25
79-12	Littering Upon Any Premises	3	1
80-6(1)	Discharge of Offensive and Hazardous Substance—Public Nuisance	13	3-25
80-19	Nuisance Lights, Residential Property	6	4-25
80-29	Sandblasting	13	3-25
80-31	Compost Pile (Flies)	3	1-03
80-45, 80-46, 80-46.5	Dumps	4	1-10
80-48(2)	Lumber on Ground	3	1-03
80-49	Nuisance Vehicles	4	3-05
80-64(1) and 80-68	Noise (e.g. Industrial, Ventilation)	13	3-25
80-65(4)	Petition of Noise Nuisance (e.g. Music, Bands)	4	1-10
82-2	False Weights and Measures	13	3-25
82-14	Weights and Measures Licenses	7	1-25
84-15	Filling Stations (Licensing)	7	1-25

**MILWAUKEE MUNICIPAL COURT DAY-FINE
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
236-38(2)	Discharge/Cause Discharge Hazardous Substance on Public Street/Property	.45	0-100
LIQUOR AND TAVERN VIOLATIONS			
84-43	Cigarette and Tobacco License	10	1-25
84-54	License and Permit Required, Video Game and Amusement Machines	10	1-25
87-2	Pool and Billiard Hall License	10	1-10
90-3(1)	License Required—Liquor Basic Requirement	16	0-25
90-3(2)	Separate License Required	16	0-25
90-4(1)	Class "A" Liquor Consumed Off Premises Original Container	7	0-25
90-4(2)	Class "B" Tavern—Consumed on Premises and Sale in Original Containers	7	0-25
90-4(2)(b)(2)	Consumption from Bottle on Class "B" Premises	4	1-25
90-4(3)	Class "B" Tavern—Service Bar—at Tables Only	16	0-25
90-4(4)(a)	Class "B" Manager's License Required	16	0-25
90-4(4)(b)	Manager's Responsibility	16	0-25
90-4(4)(c)	Licensee's Responsibility	16	0-25
90-4(6)(a)	Class "B" Fermented Malt License—License Required	10	0-25
90-4(7)	Special Class "B" Malt License—License Required	10	0-25
90-4(8)	Class "C" Malt Wholesaler License— License Required	10	0-25
90-4(9)	Special Class "C" Malt Wholesaler— License Required	10	0-25
90-4(10)	Class "D" (Bartender) Operator's License Required	16	0-25
90-4(11)	Class "D" (Bartender) Special Temporary License	16	0-25
90-5(2)	Truth of Statements and Affidavits— Falsifying	31	0-25
90-5(12)	Report of Changes Required	16	0-25
90-6(2)	Residency Requirements	16	0-25
90-8	Responsible Person Upon License Premises	10	0-25
90-9	Collusive Agreement/Hidden Partners	5	0-05
90-13	Class "B" Tavern —Number of Licenses Permitted	16	0-25

**MILWAUKEE MUNICIPAL COURT DAY-FINE
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
90-15(1)	Class "A" Liquor —Hours of Sale	16	0-25
90-15(2)	Class "A" Malt License—Hours of Sale	10	0-25
90-15(3)	Class "B" Tavern—Patrons After Hours	7	0-25
90-15(3)(b)	Hours for Sale in Original Package	7	0-25
90-16	Display of License	10	0-25
90-27(1)(c)	Immediate Entry for Police, Local and State Authorities	10	0-25
90-27(1)(d)	Safe Egress from All Entrance Doors and Serving Rooms	10	0-25
90-27(2)	Adjacent Rooms to Licensed Tavern	10	0-25
90-27(5)	Illumination During Conduct of Business	10	0-25
90-28	Misleading Advertising Prohibited in Class "B" Taverns	10	0-25
90-32	Fraud on Tavern Keepers Prohibited	4	3-25
90-33(1)	Tavern Amusement License Required	4	0-25
90-33(2)	Instrumental Music License Required	4	0-25
90-33(3)	Prerecorded Music Dance License	4	0-25
90-33(4)	Prerecorded Music Machine Premises License (Recorded Spins)	7	0-25
90-33(5)	Tavern Dance Hall License Required	7	0-25
90-33(6)	Special Tavern Dancing Permit	7	0-25
90-36(1)(a)	Hours for Music—Tavern Amusement	7	0-25
90-36(1)(b)	Hours for Music—Tavern Ballroom Premises	7	0-25
90-36(1)(c)	Hours for Music—Instrumental, Tavern Dance, Phonograph	7	0-25
90-36(1)(d)	Hours for Music—Prerecorded Music	7	0-25
90-36(3)	Advertising of Dancing	7	0-25
90-36(4)	Posting of Occupancy Capacity	4	0-05
90-37(1)	Pharmacist's Liquor Permit—Application, Quantity	5	2-10
90-37(2)	Pharmacist's Liquor Permit—Qualifications, Resident	5	2-10
90-37(4)(a)	Pharmacist's Liquor Permit—Register to be Kept	5	2-10
90-37(4)(b)	Pharmacist's Liquor Permit—Sales to Be Recorded	5	2-10
90-37(5)	Pharmacist's Liquor Permit—Hours for Sale	5	2-10
90-38	Medical Prescriptions Limited—False Prescription	5	2-10
90-39(1)	Alcoholic Beverages Prohibited on Any Premises under Jurisdiction of Board of School Directors	5	0-10

**MILWAUKEE MUNICIPAL COURT DAY-FINE
BENCHMARK SCALES (Cont'd)**

Section Number	Ordinance	Median Benchmarks	Benchmark Range
90-39(1)	Juvenile under Legal Drinking Age Prohibited from Having Alcoholic Beverages on Premises under Jurisdiction of School Directors	4	0-03
91-2	Soda License or Sticker Required	10	1-25
91-5(1)(2)	Transfer of License	10	1-25

PUBLIC DANCE HALL VIOLATIONS

108-2	Public Dance Hall—License Required	4	1-05
108-4	Public Dance Hall—Posting License	4	1-05
108-7	Public Dance Hall—Filing Permit	4	1-05
108-7.5	Public Dance Hall—Responsibility of Permittee	4	0-05
108-10	Public Dance Hall—Permitting Persons under 17 Years on Premises, Misrepresenting Age	4	1-05
108-11	Public Dance Hall—Closing Hours	4	1-05

JUVENILES (14 to 18 Years of Age)

	Non-traffic violations, except for violations of 90-18(2), 90-18(3), 90-19, and 90-39(1)	3	0-01
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Appendix D:

Alaska Sentencing Commission: Survey
Data of Felony Sentences Imposed
Between 1986-91

FINES

PSR/JDG DATA
 Offense Sen Len Fine
 No.

Offense No.	Sen	Len	Fine
04-11-010	18		5000.00
04-11-010	36		500.00
04-11-010	36		500.00
28-54-210	36		5000.00
35-066	60		250.00
11-210	48		1000.00
41-220	24		500.00
41-220	48		250.00
41-220	36		3000.00
41-420	36		1000.00
41-420	60		2000.00
41-436	96		10000.00
41-436	36		500.00
41-510	60		250.00
46-300	36		1000.00
46-484	36		500.00
71-030	30		1500.00
71-030	72		10000.00
71-030	48		2000.00
71-030	48		2500.00
71-030	60		3000.00
71-030	60		5000.00
71-030	36		5000.00
71-030	60		5000.00
71-030	60		5000.00
71-040	36		15000.00
71-040	36		2000.00
71-040	24		2500.00
71-040	36		5000.00
71-939	72		10000.00

3
 } bootleg

4
 } dinner

4
 } assault

2
 } repeat

2
 } sex

13
 } drunk

1500-15000

out of 655 people, 29 received fines
 + Sents ranging from 18 mos to 8 years

10% sample of judgments from
 '80-'91 statewide

Appendix E:

Alaska Sentencing Commission: Ranking of
Title 11 Criminal Offenses (July 1991)

Expanded Range		All Offenses										Defining Characteristics		
Sorted by Rank Statutes		Clas	Score	Adj	Primary	Secondary								
					Interest	typ	leve	cul	Interes	type	leve	cul		
1	Murder 1 (1)(a)	41.100	U	288		person	24	3	4				causes death of any person	
2	Murder 1 (1)(B)	41.100	U	288		person	24	3	4				compels person to commit suicide through duress	
3	Murder 1 (2)	41.100	U	268	216	person	24	3	3				torture of child resulting in death	
4	Murder 2 (a)(1)	41.110	U	216		person	24	3	3				knowing conduct to cause death or serious physical injury	
5	Murder 2 (a)(2)	41.110	U	216		person	24	3	3				extreme indifference to the value of human life	
6	Murder 2 (a)(3)	41.110	U	216		person	24	3	3				felony murder	
7	Kidnapping (a)(1)(A)	41.300	U	192		Person	24	2	4				for ransom	
8	Kidnapping (a)(1)(B)	41.300	U	192		Person	24	2	4				to use as shield for hostage	
9	Kidnapping (a)(1)(C)	41.300	U	192		Person	24	2	4				inflict physical injury or sexual assault	
10	Kidnapping (a)(1)(D)	41.300	U	192		Person	24	2	4				interfere w/government or political function	
11	Kidnapping (a)(1)(E)	41.300	U	192		Person	24	2	4				facilitate commission of a felony	
12	Kidnapping (a)(2)(A)	41.300	U	192		Person	24	2	4				holds person where unlikely to be found	
	Kidnapping (a)(2)(B)	41.300	U	192		Person	24	2	4				holds person w/substantial risk of serious physical injury	
	Sex Assault 1 (a)(2)	41.410	US	168		person	14	3	4				attempt causing serious physical injury	
15	Sex Abuse Minor 1(a)(1)	41.434	US	156		person	13	3	4				offender (16), penetration w/victim under 13	
16	Sex Abuse Minor 1(a)(2)	41.434	US	156		person	13	3	4				offender (18), penetration w/victim entrusted to care	
17	Sex Abuse Minor 1(a)(3)	41.434	US	156		person	13	3	4				offender (18), penetration w/victim under 16	
18	Sex Assault 1 (a)(1)	41.410	US	156		person	13	3	4				penetration	
19	Sex Assault 1 (a)(3)	41.410	US	156		person	13	3	4				penetration w/mentally incapable or entrusted to care	
20	Unlaw Exp Minor(a)(1)	41.455	B	156		Person	13	3	4				actual or simulated penetration - pornography	
21	Unlaw Exp Minor(b)(1)	41.455	B	156		Person	13	3	4				parent allows child to be used	
22	Manlaughter (a)(1)	41.120	A	144		person	24	3	2				causes death of another (not Murder I or II)	
23	Arson 1	46.400	A	128		Property	6	3	4	person	14	2	2	Intentionally starts fire, recklessly endangering person
24	Escape 1	56.300	A	126		Pub Adm	7	3	4	person	14	1	3	uses deadly weapon
25	Promo Prostit 1(a)(2)	66.110	A	120	90	Pub Hlth	4	3	4	person	9	3	2	induces minor or person in one's custody into prostitution
26	Robbery 1 (a)(1)	41.500	A	120		person	14	2	3	property	3	3	4	armed w/deadly weapon
27	Robbery 1 (a)(2)	41.500	A	120		person	14	2	3	property	3	3	4	uses (or attempts to use) dangerous instrument
28	Robbery 1 (a)(3)	41.500	A	120		person	14	2	3	property	3	3	4	causes (or attempts to cause) serious physical injury
29	Crim. Misch. 1(a)(2)	46.480	B	116		Property	8	3	4	person	10	1	2	more than \$100,000 damage by "widely dangerous means"
30	Escape 2(1)(c) or (d)	56.310	b	112		Pub Adm	7	3	4	person	14	1	2	escapes while possessing firearm
31	Sex Abuse Minor 2(a)(2)	41.436	B	108		person	9	3	4				sexual contact w/under 13 years	
32	Sex Abuse Minor 2(a)(3)	41.436	B	108		person	9	3	4				entrusted to offender's care (offender 18, victim 18): contact	
33	Sex Abuse Minor 2(a)(4)	41.436	B	108		person	9	3	4				16 or older offender aids or encourages contact	
	Sex Abuse Minor 2(a)(5)	41.436	B	108		person	9	3	4				entrusted to offender's care (offender 18, victim 16): contact	
34	Sex Assault 2(a)(1)	41.420	B	108		person	9	3	4				sexual contact	
36	Sex Assault 2(a)(2)	41.420	B	108		person	9	3	4				sexual contact w/mentally incapable and entrusted to care	
37	Sex Assault 2(a)(3)	41.420	B	108		person	9	3	4				sexual contact w/mentally incapable or incapacitated	
38	Extortion (a)(1)	41.520	B	107		Person	10	2	4	Property	3	3	3	threatens physical harm
39	Escape 2(1)(a) or (b)	56.310	B	104		Pub Adm	7	3	4	person	10	1	2	felon escapes
40	Arson 2	46.410	B	100		Property	6	3	4	person	14	1	2	intentionally damages building, fire or explosion
41	Extortion (a)(2)	41.520	B	99		Person	9	2	4	Property	3	3	3	other threats
42	Robbery 2	41.510	B	96		person	10	2	3	property	3	3	4	uses (or threatens) force in taking of property
43	Theft 0		B	96		J,k Property	8	3	4				Over \$100,000	
44	Crim. Misch. 1(a)(4)	46.480	B	92		Property	1	3	4	person	10	2	4	tamper w/food or drug w/intent to cause phys inj
45	Burglary 1(a)(1)	46.300	B	90		n property	3	3	4	person	9	3	2	building is a dwelling
46	MICS 1 (a)(1)	71.010	U	90		Con Sub	10	3	3				delivers heroin to minor	
47	MICS 1 (a)(2)	71.010	U	90	81	Con Sub	9	3	3				delivers cocaine, amphet or barbs. to minor	
48	MICS 1 (a)(3)	71.010	U	90		Con Sub	9	3	2				engages in continuing criminal enterprise	
49	Terrorist threat (a)(2)	56.620	C	87		Pub Adm	4	3	4	person	13	1	3	place person in fear of death or phys. inj. - repeat threats
50	Bribe receiving: Pub Ser	56.110	B	84		Pub Adm	7	3	4				public servant solicits or accepts bribe	
51	Bribery: Public Servant	56.100	B	84		Pub Adm	7	3	4				bribing a public servant	
52	Perjury	55.200	B	84		Pub Adm	7	3	4				make false sworn statement	