

**ALASKA LEGISLATURE**

**1099**

**HOUSE and SENATE FINANCE COMMITTEE FILES,**

**1993-1994**

13

**Alaska Court System**

**Fiscal Analysis**

**CSSB 19(FIN) AM**

This bill creates a new crime of conspiracy to promote or facilitate a serious felony. Its purpose is to create a crime under which persons not presently prosecutable can be prosecuted.

The Department of Law has not estimated the number of prosecutions which will result from this legislation. When similar legislation was considered in 1987, the department projected a need for two additional attorneys, a paralegal, and a secretary, indicating a potentially large caseload. OPA has estimated that it will defend 25 co-defendants charged as a result of this legislation, in addition to those co-defendants represented by the Public Defender. Most of these co-defendants will be entitled to separate trials. Experience in other states and at the federal level demonstrates that conspiracy cases generally require extensive pre-trial motion work, and are more likely to go to trial than other felony cases.

# FISCAL NOTE

9/1/93

**STATE OF ALASKA  
1993 LEGISLATIVE SESSION**

**BILL NO: CSSB 19(FIN)**

(FD) FIN

Revision Date: 3/31/93 Dept. Affected: Public Safety  
 Title: "An act relating to the crime of conspiracy" BRU: Alaska State Troopers  
 Sponsor: Senator Halford Component: Detachments  
 Requestor: House Finance 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						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

5319

**FUNDING: (Thousands of Dollars)**

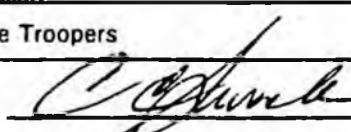
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**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: 3/24/93  
 Approved by Commissioner:  Date: 3/31/93  
 Agency: Richard L. Burton, Dept. of Public Safety

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*withdrawn*

SENATE FINANCE  
COMMITTEE

Amendment Number: 1  
Bill Number: CSSB 19 (Jud)  
Sponsor: Rieger Date: 3/2/93  
Logged In By: BRM

8-LS0246E.1  
Luckhaupt  
3/3/93

A M E N D M E N T

OFFERED IN THE SENATE  
TO: ~~CSSB~~ 19(JUD)

BY SENATOR RIEGER

Page 2, line 3 through "(2)" on line 6 :  
Delete all material.

Page 2, line 8:  
Delete "(A)"  
Insert "(1)"

Page 2, following line 9:  
Insert:  
"(2) belonging to a class of persons who by definition are legally incapable in an individual capacity of committing the crime that is the object of the conspiracy;"

Page 2, line 10:  
Delete "(B)"  
Insert "(3)"

Page 2, line 12:  
Delete "(C)"  
Insert "(4)"

SENATE FINANCE  
COMMITTEE

Amendment Number: 2  
Bill Number: CSSB 19 (Jud)  
Sponsor: Rieger Date: 3/3/93  
Logged In By: RN

8-LS0246E.2  
Luckhaupt  
3/3/93

A M E N D M E N T

OFFERED IN THE SENATE  
TO: CSSB 19(JUD)

BY SENATOR RIEGER

Page 2, line 21, following "prevented":

Insert ", or attempted to preven:",

Page 2, line 23, following "renunciation.":

Insert "This subsection does not preclude a court from receiving evidence that a defendant otherwise voluntarily and completely renounced the defendant's criminal intent to participate in the conspiracy or was removed from or removed oneself from the conspiracy."

# FISCAL NOTE

No. 1

**STATE OF ALASKA  
1993 LEGISLATIVE SESSION**

Bill Version: SB 19

(S) Publish Date: 2-24-93

Revision Date: February 11, 1992 Dept. Affected: Corrections  
 Title: "An Act relating to the crime of conspiracy." BRU: Statewide Programs  
 Sponsor: Senator Halford Component: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 700

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	365.0	365.0	365.0	365.0	365.0	365.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>365.0</b>	<b>365.0</b>	<b>365.0</b>	<b>365.0</b>	<b>365.0</b>	<b>365.0</b>

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

REVENUE FUND SOURCE:						
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**FUNDING:**

(Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF	365.0	365.0	365.0	365.0	365.0	365.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>365.0</b>	<b>365.0</b>	<b>365.0</b>	<b>365.0</b>	<b>365.0</b>	<b>365.0</b>

**POSITIONS:**

POSITIONS	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See Attached Analysis.

Changes in CSB 19 (JVD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.  
2/23 KRL  
 date Comte Aide (initial)

Prepared by: Dana LaTour, Special Assistant Phone: 465-3376  
 Division: Office of the Commissioner Date: 02-11-93  
 Approved by Commissioner: Lloyd G. Rupp, Commissioner Date: 02-11-93  
 Agency: Department of Corrections

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FISCAL NOTE

SB 19: "An Act relating to the crime of conspiracy."

Page 2

Data on the number of cases and average sentences for conspiracy convictions is not available to the Department of Corrections since this has not been a crime in Alaska in the past. However, based on information obtained last session from the Department of Law, Criminal Division, it appears likely that the conspiracy statute would enable more effective prosecution of drug crimes in particular. Since conspiracies to commit murder, or kidnapping rarely occur, the impact on the Department is unpredictable.

The Department of Law predicts that the conspiracy law will facilitate more effective prosecution of cases involving multiple defendants and may encourage defendants to cooperate with the State to get reduced charges. The result will be more offenders sentenced for drug charges, rather than increasing sentence length.

According to 1992 booking statistics, there were 203 offenders incarcerated whose most serious charges were unclassified (10), class A (10) and class B (183) Misconduct Involving a Controlled Substance (MICS) offenses.

If this bill results in a ten percent increase in convictions for drug offenses about 20 additional cases will be added each year. Since 90% of the relevant MICS offense are class B felonies, the mean sentence length for a MICS B felony is used to calculate additional bed days. Mean sentence length is 20.1 months. Subtracting one-third of the sentence for statutory good time results in time served of slightly over one year. Twenty additional offenders serving one additional year would result in 7300 additional bed-days per year.

Because populations within correctional facilities are already exceeding emergency caps, it is assumed that these offenders will either be placed in Community Residential Center (CRC) beds, or that other offenders in the correctional centers will be displaced and moved to CRC beds. The daily cost of placement is \$50.

The calculation used in computing the cost is:

7300 beds days per year x \$50 per CRC bed = \$365,000.

Fiscal Note

SB 19: "An Act relating to the crime of conspiracy."

Page 3

The estimated costs are based on CRC beds since it is not possible to predict when the increases in incarceration would actually require adding more prison beds to the system. Cost of placement in a correctional center is approximately \$100 per day.

The current prison beds are full. The Department's master plan indicates a need to build between 500- 700 additional beds by 1996 if other measures to reduce inmate population are not addressed.

If this bill results in any substantial increase in convictions and prison sentences for offenses other than the 10% increase in drug offenses described above, or if sufficient prisoners cannot be diverted to community residential centers contract beds, then the effect of this bill may be to add increasing pressure on the already overcrowded correctional facilities.

FISCAL NOTE

No. 2

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

B

Bill Version: SB 19  
(S) Publish Date: 2-24-93

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to the crime of BRU: Trial Courts  
conspiracy Components: \_\_\_\_\_  
 Sponsor: Halford  
 Requestor: Halford COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	121.1	121.1	121.1	121.1	121.1	121.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	121.1	121.1	121.1	121.1	121.1	121.1

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	121.1	121.1	121.1	121.1	121.1	121.1
1003 GF MATCH						
1004 GF						
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	121.1	121.1	121.1	121.1	121.1	121.1

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	3.0	3.0	3.0	3.0	3.0	3.0
TEMPORARY						

Estimate of current year (FY 93) impact: None

Changes in CSSB 19 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary)

See attached

2/23 KRL  
date Comte Aide (initial)

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Division: Alaska Court System Date: 02/04/93

Approved by: Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System Date: 02/04/93

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

Alaska Court System

Fiscal Analysis

SB 19

This bill creates a new crime of conspiracy to promote or facilitate a heinous offense. Its purpose is to create a crime under which persons not presently prosecutable can be prosecuted.

The Department of Law has not estimated the number of prosecutions which will result from this legislation. When similar legislation was considered in 1987, the department projected a need for two additional attorneys, a paralegal, and a secretary, indicating a potentially large caseload. OPA has estimated that it will defend 25 co-defendants charged as a result of this legislation, in addition to those co-defendants represented by the Public Defender. Most of these co-defendants will be entitled to separate trials. Experience in other states and at the federal level demonstrates that conspiracy cases generally require extensive pre-trial motion work, and are more likely to go to trial than other felony cases.

Alaska Court System

Fiscal Analysis

SB 19

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge Anchorage, 12 months	\$24,150	\$16,841	\$40,991
Pro Tem Superior Court Judge Fairbanks, 6 months	12,251	8,439	20,690
Pro Tem Superior Court Judge Juneau, 6 months	12,075	8,420	20,495
In-Court Clerk, Anchorage	27,108	11,816	<u>38,924</u>
			<u>\$121,100</u>

FISCAL NOTE

No. 3

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB 19

(S) Publish Date: 2-24-93

Revision Date: February 5, 1993

Title: "An Act relating to the crime of Conspiracy."

Department Affected: Department of Law

BRU: Prosecution

Component: All

Sponsor: Senator Halford

Requestor: Senator Halford

COMPONENT SERIAL NO. 0085 through 0090

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 the attached analysis.

Changes in CSSB 19 (JOB)  
have no fiscal impact. This  
fiscal note is appropriate.

2/22 KRL  
date Comte Aide (initial)

Prepared by: Richard I. Peques, Director

Division: Administrative Services Division

Phone: 465-3672

Date: February 5, 1993

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law

Date: February 5, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SB 19

ANALYSIS (Continued):

This bill creates a crime of conspiracy when two or more people agree to commit a criminal offense and one of them does some act in furtherance of the agreement. The bill extends the application of the conspiracy law to offenses against a person under AS 11.41, punishable as unclassified or class A felonies, and to offenses involving controlled substance, under AS 11.71, punishable as unclassified, class A, or class B felonies.

The Department of Law believes there will not be a significant increase in the number of cases due to the conspiracy law. Current law permits prosecution of those who directly commit crimes, as well as those who are accomplices (AS 11.16). Because our present accomplice law allows us to prosecute people who aid and abet a criminal, it is unlikely that the conspiracy law (which requires proof of an agreement to commit the crime) will result in significantly more cases being prosecuted. Instead, the crime of conspiracy will be added as another count in a case that would have been prosecuted anyway.

In those cases that cannot be charged under current law, the crime of conspiracy will permit some additional cases to be prosecuted and some fiscal impact could result, although there may be offsetting cost savings.

The major effect of the conspiracy law is to permit the introduction of additional evidence in a trial. Thus the jury is permitted to hear, for example, more evidence about the overall drug operation, rather than being limited to evidence about specific drug sales on specific dates. The jury does not therefore view those sales in isolation, but is allowed to see the "big picture", and the state's case is made stronger. We believe that defendants charged under the conspiracy law will cooperate with the state to try to get a reduced charge, and therefore fewer trials will occur. Another potential cost-savings is that multiple defendants charged with conspiracy will be able to be tried in a joint trial, rather than separate trials as is usually the practice now. Naturally the effects of any new law cannot be predicted with precise certainty. However, conspiracy laws and stiff drug penalties are nothing new in the rest of the country.

# FISCAL NOTE

No. 4

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB 19  
(S) Publish Date: 2-24-93

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An act relating to the crime BRU: Alaska State Troopers  
of conspiracy Component: Criminal Investigation Bureau  
 Sponsor: Senator Halford  
 Requestor: Senator Halford COMPONENT SERIAL NO. 830

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

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

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
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 (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)  
  
 No fiscal impact upon the Alaska State Troopers is anticipated.

Changes in CSSB 19 (JVD) have no fiscal impact. This fiscal note is appropriate.  
2/22 KRL  
 date Comte Aide (initial)

Prepared By: Francis C. Allan Phone: 760.5291  
 Division: Alaska State Troopers Date: 1/11/93  
 Approved by Commissioner: [Signature] Date: 1/13/93  
 Agency: Richard L. Burton, Dept. of Public Safety

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For f\_\_\_\_\_ Office

Fiscal Notes



# ALASKA STATE LEGISLATURE

Senator Rick Halford

President of the Senate

While in Session:  
State Capitol  
Juneau, AK 99801-1182  
907-465-4958

While in Interim:  
P.O. Box 670190  
Chugiak, AK 99567  
907-694-4958

## MEMORANDUM

TO: Senator Drue Pearce, Co-Chairman  
Senate Finance Committee

FROM: Senator Rick Halford  
President of the Senate *Rick Halford*

DATE: February 26, 1993

SUBJECT: Sponsor Statement -- SB 19, "An Act relating to the crime of conspiracy."

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Organized crime is a serious problem in Alaska and one that is becoming increasingly worse. These professional criminal organizations are difficult to prosecute or eliminate because of the separation their leadership maintains from the crimes that subordinate members of the organization routinely commit. In order to circumvent this organizational defense mechanism, the federal government defined the crime of conspiracy some time ago and now Alaska is the only state that has not passed a similar law.

It is important that Alaska enact a conspiracy statute to provide our state and local law enforcement agencies with this valuable tool for prosecuting criminal organizations, especially drug rings.

Senate Bill 19 defines the crime of conspiracy to mean agreeing with one or more people either to commit a crime or to promote, facilitate, or cause a crime to happen if one or more of the people involved in the agreement commits an overt act to further the conspiracy. This will allow law enforcement officials to arrest and prosecute individuals before they personally attempt a crime and also without their direct participation in a crime that has already occurred. The conspiracy to commit a crime is classified one level below the class of the crime which the offender conspired to commit.

Senate Bill 19 will significantly increase the efficiency and effectiveness of the criminal justice system. Its passage will improve our position in the war against drugs by enabling the prosecution of entire drug networks, rather than merely street-level pushers. Thank you for your consideration of this legislation.

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

February 5, 1993

**SUBJECT:** Sectional Summary of SB 19 (Work Order No. 8-LS0246A)

**TO:** Senator Rick Halford  
Attn: John

**FROM:** Jerry Luckhaupt *JL*  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill creates AS 11.31.120, the crime of conspiracy. That section would make it a crime for a person

- (1) with the intent to promote or facilitate a serious felony offense;
- (2) to agree with one or more other persons to engage in or cause that serious felony offense; and
- (3) an overt act in furtherance of the conspiracy is performed by one of the persons involved in the conspiracy.

This section clarifies criminal liability for certain situations, provides affirmative defenses that may be raised by the defendant, and defines "serious felony offense." Conspiracy is punishable as an unclassified, class A, class B or class C felony depending on the classification of the crime that was the object of the conspiracy.

Section 2 of the bill amends AS 11.31.140(a) to provide that it is not a defense to prosecution for conspiracy that the crime the defendant conspired to commit was actually committed.

Section 3 of the bill amends AS 11.31.140(b) to provide only one conviction for conspiracy, attempt, or solicitation is permitted for conduct that was designed to commit the same crime.

Section 4 of the bill amends AS 11.31.140(d) permits a prosecutor to charge both conspiracy to commit an offense and commission of the underlying offense.

Legal Services - Sectional

Senator Rick Halford

February 5, 1993

Page 2

Section 5 of the bill amends AS 12.25.125(b) to provide that a person convicted of conspiracy to commit murder in the first degree shall be sentenced to a definite term of imprisonment of not less than five years and not more than 99 years.

GPL:pl

93-065.plm

FRANK H. MURKOWSKI  
ALASKA

COMMITTEES:

SELECT COMMITTEE ON INTELLIGENCE (VICE CHAIRMAN...)  
ENERGY AND NATURAL RESOURCES  
FOREIGN RELATIONS  
VETERANS' AFFAIRS  
SELECT COMMITTEE ON INDIAN AFFAIRS

5B19  
United States Senate

WASHINGTON, DC 20510-0202  
(202) 224-6665

February 28, 1991

222 WEST 7TH AVENUE, BOX 1  
ANCHORAGE, AK 99513-7570  
(907) 271-3735

101 12TH AVENUE, BOX 7  
FAIRBANKS, AK 99701-6278  
(907) 456-0233

P.O. BOX 21847  
JUNEAU, AK 99802-1847  
(907) 586-7400

130 TRADING BAY ROAD, SUITE 350  
KENAI, AK 99611-7718  
(907) 283-5808

109 MAIN STREET  
KETCHIKAN, AK 99901-6488  
(907) 225-6880

The Honorable Rick Halford  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Halford: *RH*

When I had the opportunity to speak before the State Legislature earlier this month, I expressed my deep concern about the escalation of drug activity in Alaska. We must recognize that the weakness of our state's drug laws sends an unfortunate message to those who would traffic in illegal drugs. I applaud your efforts to address this problem by introducing legislation calling for a state conspiracy law. The passage of such a law should dispel any notion drug organizations may have that Alaska is a safe haven for their illicit operations.

It is time to give law enforcement in Alaska the tools necessary to break the criminal organizations that prey on our youth. Your legislation is an important step toward achieving that goal. The enactment of a state conspiracy law would allow us to bring down entire drug organizations rather than just prosecuting the pushers who are easily replaced.

We cannot simply rely upon the federal criminal justice system to deal with the rise of criminal organizations in Alaska. While federal conspiracy laws play a significant role in combatting criminal organizations, we must give the state's law enforcement community the ability to use effectively their valuable resources to stem the tide of drugs washing up on Alaska's shores. We must make every effort to ensure that state and local law enforcement can take the steps necessary to adequately protect our youth and our communities.

I am hopeful that the Legislature will act quickly to provide for this protection by enacting a criminal conspiracy statute.

Sincerely,

*FR*  
Frank H. Murkowski  
United States Senator

supporting documents



U. S. Department of Justice

United States Attorney

District of Alaska at Anchorage

JB:19

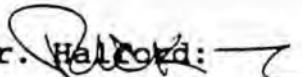
February 18, 1992

Federal Building & U.S. Courthouse  
222 West 7th Avenue, #9, Room 253  
Anchorage, Alaska 99513-7567

FTS-868-5071  
Commercial: (907) 271-5071  
Fax Number: (907) 271-3223

The Honorable Rick Halford  
State Senate  
Alaska State Legislature

Re: State Conspiracy Laws  
Violent Crime, Drugs, Guns and Fraud  
Law Enforcement Coordinating Committee

Dear Mr. ~~Halford~~ 

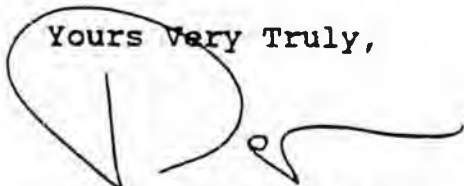
It is important that the Legislature enact conspiracy laws to address violent crime, drugs, guns and fraud. This is an area of criminal law that has been neglected by the State for too long. Organized crime in Alaska must be adequately addressed.

Enclosed for your review is my article that was published in "The Anchorage Times" this past Saturday. The article sets forth my position on the need for State conspiracy laws.

It is vitally important for the welfare of the citizens of this State and local law enforcement that conspiracy laws are enacted this session. The laws should adequately address Alaska's growing organized complex criminal element.

Please do not hesitate to contact me if I may be of assistance. I will be happy to meet with you. Your assistance and support is greatly appreciated by law enforcement and all concerned Alaska citizens.

Best Wishes.

Yours Very Truly,  


WEVLEY WILLIAM SHEA  
United States Attorney

WW .kjm  
Enclosure  
cc: Chuck Farmer, Coordinator  
Law Enforcement Coordinating Committee

rick - you know as well as I the  
importance of this legislation!!  
THANKS, WEV

SB 19

# FBI National Academy Associates

## Alaska Chapter



February 16, 1993

Senator Rick Halford  
Alaska State Legislature  
Box V  
Juneau, AK 99811

Dear Senator Halford:

The Alaska Chapter of the FBI National Academy Associates is once again supporting Senate Bill 19 (An Act relating to the Crime of Conspiracy).

Alaska's criminal justice system will be enhanced with passage of this bill. Law enforcement in Alaska requires legislation which offers the ability through the judicial system to prosecute those individuals or groups involved with the crime of conspiracy.

I have spoken with Chief O'Leary from the Anchorage Police Department and he "absolutely" supports and concurs with this legislation.

We strongly support your efforts toward passage of SB 19.

Sincerely,

Timothy W. Foster  
President

TWF/ljc

Post-It™ brand fax transmittal memo 7671 # of pages > 1

To: <i>John Suggard</i>	From: <i>Tim Foster</i>
Dept.:	Co.:
Ext.:	Phone #:
Fax #:	Fax #:

FBI/AA  
Officers &  
Executive Board

**President**  
Tim Foster, 150th  
Anchorage Int'l Airport  
Safety, P.O. Box 190629  
Anchorage, Alaska 99519-0629  
266-2408

**Secretary**  
Shirley Wagner, 164th  
Anchorage Police  
Department,  
4501 S. Hagev St.  
Anchorage, Alaska  
99507-1899  
786-6568

**John Murphy, 150th, Past President**  
**Paul Gilson, 139th, VP, South Central**  
**Mike Corhill, 149th, VP, Northern**  
**Chip Galle, 143rd, VP, Southern**

# Alaska Association Chiefs of Police



February 4, 1993

Senator Rick Halford  
Alaska State Capitol  
Room 111  
Juneau, AK 99801-1182

Dear Senator Halford:

On behalf of the Alaska Association of Chiefs of Police I would like to express our support for Senate Bill 19. For several years Alaskan law enforcement has been united in its request to the legislature for a Statute dealing with the Crime of Conspiracy.

There have been many serious felony crimes committed over the years that may well not have occurred if law enforcement had been able to pursue the offenders utilizing a Conspiracy Statute. Limiting conspiracy to serious felony offenses only is a sensible approach that should alleviate some past concerns.

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

Very truly yours,

Ronald L. Otte  
President

RLO/lp

# THE VOICE OF THE TIMES

## Without a headline, a major cocaine ring is cracked

**MILLIAM J. TOBIN**

Early on a frigid Saturday morning 2 1/2 weeks ago, federal agents — with state law enforcement agencies participating — led one of the biggest drug busts in Anchorage history.

You didn't read anything about it in the paper.

Not a word was published about the busts on three hangouts where 10 accused crack cocaine dealers were arrested.

There was nothing printed about a federal grand jury indictment that charged 11 men and five women — the 10 who were arrested that Saturday morning and six others — with a whole series of federal offenses ranging from conspiracy, drug trafficking, the use of firearms as part of drug trafficking activities, operating crack cocaine presses, the preparation of false birth certificates and raft of other illegal activities.

U.S. Attorney Wevley W. Shea promptly made available to the news media details of Jan. 23 raids and copies of the 32-page indictment. The arrests and charges, for reasons unknown, simply were ignored — regarded as a non-event.

Also ignored was the U.S. attorney's report of the arrests and charges that was carried to the office of Gov. Walter J. Burke, with copies to Alaska Atty. Gen. Arlie Cole and to state Public Safety Commissioner Richard L. Burton. The report, pointing out the success of the federal law enforcement action, received Shea's long-standing recommendation for enactment of the conspiracy laws, which he views as an essential tool against organized crime in Alaska.

For being such an apparent non-event, the Jan. 23 raids were part of a massive crime crackdown.

Consider:

- The operation was led by the Federal Bureau of Alcohol, Tobacco & Firearms, involving more than a dozen agents brought to Anchorage aboard a Washington State National Guard transport.

- Agents of the Federal Bureau of Investigation, the Drug Enforcement Administration, the U.S. Marshal Service, the U.S. Customs Service and the Internal Revenue Service were involved.

- State agencies represented in the busts were the Alaska State Troopers, the



tional Guard, the Alaska Department of Public Safety and the Alaska State Crime Lab.

- And, of course, officers of the Anchorage Police Department were very much a part of the crackdown.

In days since the raids, two others of the accused drug dealers have been arrested — raising to 12 the number of those taken into custody. Of those, nine are still in jail and three have been released on bail. The remaining four are fugitives — subjects of an on-going search that presumably extends well beyond Alaska.

Meanwhile, the indictment gives a clue as to how widespread this particular crack cocaine operation was in Anchorage. According to the federal charges, this gang operated from or ran so-called crack houses — fortified with a small arsenal of semi-automatic weapons — at 11 locations:

- 9360 Campbell Terrace
- 1315 Hyder St.
- 7601 Little Bend Circle
- 4203 Diamond Blvd., No. B
- 227 E. 12th Ave., No. 1
- 227 E. 12th Ave., No. 2
- 1027 Nelchina, No. 5
- 937 E. 10th, No. 3
- 45340 E. 24th, No. 73
- 9332 Gen. Patrot

In addition, for six weeks last November and December, the indictment charges, the gang rented a room at a hotel in the railroad area and used it as yet another place to make crack cocaine or to cut pure cocaine into diluted packages to increase the volume available for street sales.

In setting up the crack houses, the indictment charges, the "premises would be fortified, including the keeping of firearms, and a means of conducting crack cocaine sales established, such as creating a pass-through slot in a door so that customers would exchange money for drugs without gaining entry."

They were sophisticated operations, federal agents said, and included the use of a communications system that involved electronic pagers and at least one cellular telephone.

During one three-month period, July to September last year, one of these pagers received more than 2,000 calls, federal agents said.

John Bobb, resident agent in charge of the Bureau of Alcohol, Tobacco and Firearms in Anchorage, said the January raids and arrests were the culmination of an investigation that began in 1991.

Both he and Shea hailed the success of what they called a "coordinated takedown" of a major drug ring that had been supplying crack cocaine throughout the Anchorage area.

The arrests, Shea said, "dealt a major blow to the trafficking of crack cocaine in Alaska."

At the same time, however, he warned that Anchorage and Alaska are not immune to crack cocaine — which some think is just a problem facing the inner cities of America's big metropolitan centers.

"It is available in Anchorage," he said, and "it is cheap, it is addictive." And, as this January crackdown makes clear, it is part of a real and ugly underworld in Anchorage.

It is an underworld under attack by a host of men and women in law enforcement agencies in Anchorage — including the FBI, the BATF, the DEA, Customs, IRS, the U.S. Marshal's office, the Troopers, the Anchorage police. They're out there on the front line, in a grimy and dangerous environment.

And their work, in this case, at least, doesn't merit a headline, even on an inside page.



Tobin

OPINION

TAKING A STAND

# Without conspiracy laws Alaska easy target for organized crime

Alaska is unique. Approximately 40 percent of our population resides in the Anchorage area. Much of Alaska's remaining population is isolated. This isolation and lack of a transportation infrastructure places a substantial burden on state and local law enforcement.

Crime in Alaska is complex and organized in the areas of illicit drugs, fraud, corruption and violent crime. Federal law enforcement agencies work closely with state and local agencies in combating crime. This is a federal, state and local "team approach" with communication, coordination and cooperation to attack state-wide crime.

Federal conspiracy laws assist federal law enforcement in effectively addressing criminal organizations. A conspiracy is an agreement between two or more persons to commit a crime or accomplish a legal purpose through illegal action. Alaska does not have state conspiracy laws. Virtually all other states do.

Local law enforcement is the first line of defense for crime involving drugs, guns and violence. The Alaska State Troopers and Anchorage Police Department, as well as state prosecutors, are severely restricted without state conspiracy laws. As the complexity of criminal organizations has increased, the burden placed upon state law enforcement has increased.

State prosecutors should have the basic "tools" to attack crime. It is a tremen-



Wevley William Shea

dous handicap not to have state conspiracy laws to address criminal organizations. The public should demand and have adequate protection.

Anchorage over the past few years has become a base or transshipment point for complex criminal organizations. In the last eight months, the United States Attorney for Alaska has initiated prosecution of the following criminal organizations:

**\*MEXICAN MARIJUANA/COCAINE CONSPIRACY**

The Anchorage area was the site of numerous, very high quality marijuana "indoor grows." The marijuana was exported to the Lower 48 in exchange for cocaine and cash. The U.S. Attorney's Organized Crime and Drug Enforcement

Task Force led by the Drug Enforcement Administration and composed of federal, state and local law enforcement investigated and prosecuted the case. The conspiracy investigation involved the U.S. Attorney for the Eastern District of Washington.

**\*NIGERIAN HEROIN CONSPIRACY**

Nigerian heroin traffickers established a smuggling conspiracy utilizing Anchorage International Airport as a transshipment point to the Lower 48. United States Customs has intercepted over 60 pounds of pure China-white heroin with a street value of \$1 million per pound. The heroin conspiracy operated primarily in New York, Florida and Texas. The heroin originated in Thailand and was shipped to Anchorage via Japan and the Philippines. The conspiracy investigation involved the U.S. Attorney Offices in Texas, Hawaii, Washington, New York and Florida.

**\*MUSLIM CRIPS CRACK COCAINE CONSPIRACY**

The Muslim Crips gang of Los Angeles has attempted to make inroads in the crack cocaine distribution in Anchorage. Recently Crips were arrested in Anchorage on drug and gun charges. The investigation involved the U.S. Attorney for the Central District of California.

State prosecutors cannot prosecute criminal organizations without conspiracy laws. Alaska's problem is complex due to the previous state "legalization" of marijuana. Alaska is looked upon as a haven for drug traffickers. In addition, individuals who conspire to manufacture, transport and distribute drugs look upon Alaska as a "permissive" environment since Alaska has no conspiracy laws. Virtually all other states have conspiracy laws.

Over the past 16 years, state and local law enforcement, as well as concerned citizen organizations, such as the Anchorage Chamber of Commerce have stressed the importance of the Alaska state Legislature enacting conspiracy laws to address criminal organizations.

However, the Legislature has failed to act or the governor has not supported the conspiracy legislation.

The U.S. Attorney's Law Enforcement Coordinating Committee comprised of federal, state and local law enforcement agencies recognizes that Alaska laws are not adequate to address the criminal organizations in Alaska. This is especially true in the area of drugs, guns and violence. More cases are prosecuted federally due to inadequate state laws.

The Federal Court System in Alaska is not adequate to handle the drastically increasing criminal element in Alaska that thrives on drugs, guns, fraud and corruption. Alaska Attorney General Charles Cole, as well as local district attorneys, support enacting adequate state conspiracy laws to address the criminal environment in Alaska.

The Anchorage Chamber of Commerce anticipates that Gov. Walter Hickel and concerned legislators will again be addressing Alaska's need for conspiracy laws. The Anchorage Chamber of Commerce urges all Alaska citizens to support the enactment of conspiracy laws necessary to address an increasing criminal element in Alaska.

Wevley William Shea is U.S. Attorney for the District of Alaska. Opinions expressed in Taking a Stand do not necessarily reflect the editorial position of The Anchorage Times.

5819

**FISCAL NOTE**

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO. SB 19**

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

Title: "An Act relating to the crime of conspiracy."

Sponsor: Senators Halford and Phillips

Requestor: Senate Judiciary

Department Affected: Administration

BRU: Office of Public Advocacy

Component: Office of Public Advocacy

**COMPONENT SERIAL NO. 43**

**EXPENDITURES/REVENUES:**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	118.9	122.5	126.2	130.0	133.9	137.9
TRAVEL						
CONTRACTUAL	381.1	392.5	404.3	416.4	428.9	441.8
SUPPLIES	2.0	2.1	2.2	2.3	2.4	2.5
EQUIPMENT	11.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>513.0</b>	<b>517.1</b>	<b>532.7</b>	<b>548.7</b>	<b>565.2</b>	<b>582.2</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING:**

1002 Federal Receipts						
1003 GF Match						
1004 GF	513.0	517.1	532.7	548.7	565.2	582.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>513.0</b>	<b>517.1</b>	<b>532.7</b>	<b>548.7</b>	<b>565.2</b>	<b>582.2</b>

**POSITIONS:**

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

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

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

Phone: 274-1684  
 Date: 01/20/93

Approved by Commissioner: Nancy Bear Usura  
 Agency: Administration

Date: 2/9/93

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## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 19

The bill creates the new offense of conspiracy whose prosecution will have a dramatic fiscal impact on the Office of Public Advocacy (OPA). The following analysis will deal solely with the fiscal ramifications of the adoption of the individual sections of the proposed bill.

The creation of a new crime of "conspiracy" will make two or more people involved in a homicide, kidnapping, or felony drug offense prosecutable for this separate crime. The purpose of the bill is to create another crime under which persons supposedly not currently prosecutable can be prosecuted. Further, and most importantly from the fiscal perspective of this agency, these new defendants will be tried together in a single trial. Such charges will inevitably give rise to conflicts of interest among defendants which mandate the legal representation of each defendant by a separate attorney or agency.

The Office of Public Advocacy is responsible for providing representation for those with whom the Alaska Public Defender Agency has a conflict of interest. The great majority of defendants prosecuted under conspiracy laws will be found by the court to be indigent and qualified for Public Defender and OPA services. By definition, because the statute is designed to prosecute two or more people, the Office of Public Advocacy will be responsible for providing representation to one or more alleged co-conspirators in the great majority of the cases prosecuted under this new section. For example, if the Alaska Public Defender Agency is appointed to represent defendant number one in a conspiracy case, OPA will be appointed to provide representation, probably by a staff attorney, to defendant number two, and through contract counsel, to all other co-defendants in a particular case.

Cases filed under conspiracy statutes on the federal level and in other states routinely involve substantial attorney time, particularly for the preparation of pretrial motions. Due to the fact that the Department of Law investigation activity will probably focus on urban areas, the Office of Public Advocacy is requesting one experienced attorney and a legal secretary in Anchorage to handle representation of clients charged under the bill. Because the staff attorney can represent but one co-defendant in a given case, the Office of Public Advocacy must contract with private counsel for the representation of all other co-defendants determined to be indigent by the court.

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 19

It is anticipated that the complexity of this litigation will dictate high contract costs, which are estimated at \$15,000 per defendant. The Department of Law has not estimated the number of prosecutions it will initiate during FY 94 or subsequent years under the new conspiracy statute. The projected \$375,000 in contract costs is thus based on the assumption that the Office of Public Advocacy will only be responsible for 25 co-defendants charged under these statutes for which it cannot provide staff representation during the coming fiscal year.

It should be noted that conspiracy prosecutions are far more expensive to defend than to prosecute. The nature of the allegation means that two, and usually more, defendants -- each represented by separate counsel -- will be prosecuted by one or two Assistant District Attorneys. For example, in a typical conspiracy prosecution, the Department of Law and the Public Defender Agency will each be paying for one attorney, while the Office of Public Advocacy will be responsible for providing counsel to all of the remaining co-defendants.

Position Title <b>Attorney IV</b>		No. of Positions 1	Range / Step 24/A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage-EBA		Election District 8
<b>TYPE OF EXPENDITURE</b>		Amount	<b>Justification</b> The Anchorage Office of Public Advocacy presently has three attorney positions devoted to criminal defense. These attorneys are also handling several major cases outside of the Anchorage area as staff coverage and travel is more cost effective than contracting major cases to private attorneys in rural areas. Current caseloads indicate that these three attorneys cannot absorb the additional cases which would result from this legislation. It is necessary that an additional attorney be added to the Anchorage staff to cover the resultant increased caseload.	
Salary		61.0		
Benefits		21.5		
Premium Pay				
Other				
Total Personal Services		82.5		
Travel				
Contractual		3.4		
Commodities		1.0		
Equipment		3.6		
Other				
Total Cost		90.5		
<b>FUNDING SOURCE FOR TOTAL COST</b>				
Federal Receipts	1002			
C.F. Match	1003			
General Fund	1004	90.5		
IA Receipts	1007			
CIP Receipts	1061			
Other				

**Request For  
New Position**

AGENCY Administration  
 BRU Office of Public Advocacy  
 COMPONENT Office of Public Advocacy

**FY** 94

Page 4 of 5  
 Revised Date: \_\_\_\_\_

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range / Step <b>10/A</b>	Barg. Unit <b>GG</b>
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	Location <b>Anchorage-EBA</b>		Election District <b>8</b>
<b>TYPE OF EXPENDITURE</b>		<b>Amount</b>		
Salary		24.8		
Benefits		11.6		
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>36.4</b>		
<b>Travel</b>				
Contractual (Office Space)		2.7		
Commodities		1.0		
Equipment		7.4		
Other				
<b>Total Cost</b>		<b>47.5</b>		
<b>FUNDING SOURCE FOR TOTAL COST</b>				
Federal Receipts 1002				
G.E. Match 1003				
General Fund 1004		47.5		
FA Receipts 1007				
CIP Receipts 1061				
Other				
<p><b>Justification</b></p> <p>The Anchorage Office of Public Advocacy has three legal secretary positions providing clerical support to 14 professional positions and the Volunteer Guardian Ad Litem Program. The addition of an attorney with a full case-load necessitates the addition of another secretary. The clerical workload generated by an additional attorney cannot be absorbed by the current clerical staff.</p>				

**Request For  
New Position**

AGENCY Administration

BRI Office of Public Advocacy

COMPONENT Office of Public Advocacy

**FY** 94

Page 5 of 5

Revised Date: \_\_\_\_\_

**FISCAL NOTE**

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO. SB 19**

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

Department Affected: Administration

Title: "An Act relating to the crime of conspiracy."

BRU: Public Defender Agency

Sponsor: Senator Halford

Component: Public Defender Agency

Requestor: \_\_\_\_\_

**COMPONENT SERIAL NO. 1631**

**EXPENDITURES/REVENUES:**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	347.6	358.0	368.7	379.8	391.2	402.9
TRAVEL	15.0	15.5	16.0	16.5	17.0	17.5
CONTRACTUAL	30.0	31.0	32.0	33.0	34.0	35.0
SUPPLIES	4.0	4.1	4.2	4.3	4.4	4.5
EQUIPMENT	6.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>402.6</b>	<b>408.6</b>	<b>420.9</b>	<b>433.6</b>	<b>446.6</b>	<b>459.9</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
-----------------------------	--	--	--	--	--	--

**FUNDING:**

1002 Federal Receipts						
1003 GF Match						
1004 GF	402.6	408.6	420.9	433.6	446.6	459.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>402.6</b>	<b>408.6</b>	<b>420.9</b>	<b>433.6</b>	<b>446.6</b>	<b>459.9</b>

**POSITIONS:**

FULL-TIME	6.0	6.0	6.0	6.0	6.0	6.0
PART-TIME						
TEMPORARY						

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: January 15, 1993

Approved by Commissioner: Nancy Bear Usera  
 Agency: Administration

Date: 2/9/93

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Position Title Attorney IV		No. of Positions 2	Range / Step 24/A	Barg. Unit PX	
Time Status PFT	Staff Months 24.0	Location EBA - Fairbanks		Election District 20-7	
TYPE OF EXPENDITURE		AMOUNT			
Salary	131,092.0	<b>Justification</b> These senior felony attorneys will be stationed, one in Anchorage and one in Fairbanks. The Anchorage attorney will represent clients in the First and Third Judicial Districts while the Fairbanks attorney will cover the Second and Fourth Judicial Districts.			
Benefits	43,985.0				
Premium Pay					
Other					
<b>Total Personal Services</b>	<b>175,077.0</b>				<b>175,077.0</b>
Travel					10,000.0
Contractual					19,000.0
Commodities					2,000.0
Equipment					3,000.0
Other					209,077.0
<b>Total Cost</b>		<b>0.0</b>			
<b>FUNDING SOURCE FOR TOTAL COST</b>					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	209,077.0			
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/LEG93/17/02028a.kp/2

# Request For New Position

AGENCY ADMINISTRATION

BRU PUBLIC DEFENDER AGENCY

COMPONENT PUBLIC DEFENDER AGENCY

FY 94

Page 2 of 4  
Revised Date: \_\_\_\_\_

Position title Investigator II		No. of Positions 2	Range / Step 16/A	Barg. Unit CGU	
Time Status 1'FT	Staff Months 24/0	Location EBA - Fairbanks		Election District 21-7	
TYPE OF EXPENDITURE		AMOUNT			
Salary	74,340.0	Justification These investigators will be based in Anchorage and Fairbanks but will provide services throughout the entire state.			
Benefits	30,218.0				
Premium Pay					
Other					
<b>Total Personal Services</b>	<b>104,558.0</b>				<b>104,558.0</b>
Travel					5,000.0
Contractual					7,000.0
Commodities					1,000.0
Equipment					1,500.0
Other					
<b>Total Cost</b>		<b>119,058.0</b>			
FUNDING SOURCE FOR TOTAL COST					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004		119,058.0		
I-A Receipts	1007				
CIP Receipts	1061				
Other					

8/LEG93/17/02028a.kp/3

# Request For New Position

AGENCY ADMINISTRATION

BRU PUBLIC DEFENDER AGENCY

COMPONENT PUBLIC DEFENDER AGENCY

FY 94

Page 3 of 4  
Revised Date: \_\_\_\_\_

Position Title Clerk/Typist III		No. of Positions 2	Range / Step 8/A	Barg. Unit GGU
Time Status PFT	Staff Months 24.0	Location EBA - Fairbanks		Election District 7-20
TYPE OF EXPENDITURE		AMOUNT	Justification	
Salary	44,868.0		These two support staff positions will be based in Anchorage and Fairbanks.	
Benefits	21,977.0			
Premium Pay				
Other				
<b>Total Personal Services</b>	<b>66,845.0</b>	<b>66,845.0</b>		
Travel		0.0		
Contractual		4,000.0		
Commodities		1,000.0		
Equipment		1,500.0		
Other				
<b>Total Cost</b>		<b>73,345.0</b>		
<b>FUNDING SOURCE FOR TOTAL COST</b>				
Federal Receipts				
G.F. Match				
General Fund 1000		73,345.0		
I-A Receipts 1007				
CIP Receipts 1061				
Other				

8/LEG93/17/02028a.kp/4

# Request For New Position

AGENCY ADMINISTRATION

BRU PUBLIC DEFENDER AGENCY

COMPONENT PUBLIC DEFENDER AGENCY

FY 94

Page 4 of 4  
Revised Date: \_\_\_\_\_

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

DATE: 1/11/93

FURTHER: FINANCE

Date of 5-Day Notice: 2-4-93  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-23-93

JUDICIARY      Committee considered      SENATE BILL NO. 19

"An Act relating to the crime of conspiracy."

and a majority of the committee recommends it be replaced with

and recommends:

replace with \_\_\_\_\_ CS SB 19 (JUD)

attaches amendment(s) **and do pass**

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

*2 FN  
2 P/FN*

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

Department	Date	Zero	Fiscal
Corrections	2-11-93		365.
Court System	2-04-93		121.
Law	2-05-93	<input checked="" type="checkbox"/>	
Public Safety	1-13-93	<input checked="" type="checkbox"/>	

**FISCAL NOTE INFORMATION**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

**DO PASS:**

Rich Halford      Halford  
George E. Jacko      Jacko

**OTHER RECOMMENDATIONS:**

Do Pass with Amendment Jane Dwyer  
Do Pass w/ Amendment Suzanne Rittle

Richard Taylor      Do Pass  
Chair: Signature and Recommendation

**SB**

**24**

**HFIN**

**FILE**

(11)  
Date Referred: April 19, 1994

HOUSE COMMITTEE REPORT  
FURTHER REFERRALS:

Date of Committee Action: \_\_\_\_\_

The FINANCE Committee considered:

SB 24

SENATE BILL NO. 24

EXTEND MAXIMUM PERIOD OF PROBATION

"An Act extending the maximum period of probation after conviction."

RECOMMENDATIONS:  the same title  
be replaced with \_\_\_\_\_  a new title  
 have attached amendments(s)  
 do pass  
 do not pass  
 no recommendations  
 individual recommendations  
 additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) CONVECTIONS 3/2/94

zero fiscal note \_\_\_\_\_

zero fiscal note(s) DPS 3/2/94  
AK COURT 3/2/94  
LDW 3/2/94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ronald J. Larson</i> Larson	x	<i>Eileen S. Maclean</i> Maclean		✓	
<i>Mark Hanley</i> Hanley	x	<i>Terry Martin</i> Martin		✓	
<i>Kevin Parnell</i> Parnell	x	<i>John Grussendorf</i> Grussendorf		x	
		<i>Tom Hoffmann</i> Hoffmann		+	
		<i>Mike Navarre</i> Navarre		✓	
		<i>Fay Brown</i> Brown		✓	
		<i>Chris Threlkoff</i> Threlkoff		x	

*Ronald J. Larson* Larson  
*E.P. Maclean* Maclean  
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

REQUEST:

Title: An Act extending the maximum period of probation

Dept: Corrections

Sponsor: Sen. Donley

BRU: All

Components: All

Requestor: House Finance Committee

No: 694-1884

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous	*	*	*	*	*	*
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES	*	*	*	*	*	*
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES	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	*	*	*	*	*	*

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST \$

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

ANALYSIS: (Attach a separate page if necessary)

The bill will result in increased expenses for probation services and may impact incarcerated populations, but specific dollar impact cannot be predicted. See attached.

Prepared By: Rep. Ron Larson, Co-Chair  
Rep. Eileen MacLean, Co-Chair  
 Division: House Finance Committee  
 Approved By: \_\_\_\_\_  
 Agency: \_\_\_\_\_

465-3878  
 Phone: 465-4833  
 Date: 4/26/94

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

The bill would extend the maximum period of probation from five years to ten years.

#### Assumptions

1. The bill will probably not effect probation caseloads until five years after it goes into effect. However, offenders now receiving less than the maximum five years might begin receiving longer periods of probation right away as a sort of "inflationary" effect. For example, an offender who would receive two and a half years of probation under current law is being given half of the maximum time; a court might give the same offender five years under the new law to reflect the seriousness of the offense.
2. Probation Officers are currently carrying caseloads averaging 75-80 offenders. Larger caseloads would dilute the effectiveness of supervision and defeat the purpose of extending the period of supervision. Additional probation-days cannot be absorbed without additional resources. The department's liability for inadequate supervision of probationers has been set forth in court decisions such as Neokok.
3. Salary, benefits, and insurance for a beginning Probation Officer II are estimated to be approximately \$52,243 per year.
4. A longer period of probation supervision may increase the likelihood of the court imposing probation as an alternative to incarceration. However, the longer an offender is on probation, the greater the chances the offender may be caught violating his or her conditions and being returned to prison. Therefore, the bill may reduce or increase prison populations.

#### Operating Expenses

It is not possible to estimate a dollar figure. Increases in Community Corrections personnel costs are inevitable, probably beginning five years after the change goes into effect. There may be increases in operating costs for prisons, due to more violators being placed in prison. That increase may be offset by use of probation as an alternative to incarceration.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: February 5, 1994 Dept. Affected: Corrections  
 Title: An Act extending the maximum BRU: All  
period of probation Component: All  
 Sponsor: Sen. Donley  
 Requestor: Senate Finance COMPONENT SERIAL NO. 694-1884

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	*	*	*	*	*	*
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>	*	*	*	*	*	*
-----------------------------	---	---	---	---	---	---

<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0
-------------------------------	---	---	---	---	---	---

**FUND SOURCE**

(Thousands of Dollars)

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

Estimate of any current year (FY94) cost: \$ 0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The bill will result in increased expenses for probation services and may impact incarcerated populations, but specific dollar impact cannot be predicted. Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2147  
 Division: Office of the Commissioner Date: 2/5/94  
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 2/8/94  
 Agency: Department of Corrections

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The bill would extend the maximum period of probation from five years to ten years.

### Assumptions

1. The bill will probably not effect probation caseloads until five years after it goes into effect. However, offenders now receiving less than the maximum five years might begin receiving longer periods of probation right away as a sort of "inflationary" effect. For example, an offender who would receive two and a half years of probation under current law is being given half of the maximum time; a court might give the same offender five years under the new law to reflect the seriousness of the offense.
2. Probation Officers are currently carrying caseloads averaging 75-80 offenders. Larger caseloads would dilute the effectiveness of supervision and defeat the purpose of extending the period of supervision. Additional probation-days cannot be absorbed without additional resources. The department's liability for inadequate supervision of probationers has been set forth in court decisions such as Neokok.
3. Salary, benefits, and insurance for a beginning Probation Officer II are estimated to be approximately \$52,243 per year.
4. A longer period of probation supervision may increase the likelihood of the court imposing probation as an alternative to incarceration. However, the longer an offender is on probation, the greater the chances the offender may be caught violating his or her conditions and being returned to prison. Therefore, the bill may reduce or increase prison populations.

### Operating Expenses

It is not possible to estimate a dollar figure. Increases in Community Corrections personnel costs are inevitable, probably beginning five years after the change goes into effect. There may be increases in operating costs for prisons, due to more violators being placed in prison. That increase may be offset by use of probation as an alternative to incarceration.

# FISCAL NOTE

No. 1  
 I Version: SB 24  
 (S) Publish Date: 2-4-94

**STATE OF ALASKA  
 1994 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act extending the maximum period of probation" BRU: Alaska State Troopers  
 Sponsor: Senator Dooley Component: Detachments  
 Requestor: S. JUD COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**


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

Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**  
 No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322  
 Division: Commissioner's Office Date: 2/1/94  
 Approved by Commissioner:  Date: 2/1/94  
 Agency: Richard L. Burton, Dept. of Public Safety

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# FISCAL NOTE

No. 3  
 Bill Version: SB 24  
 (S) Publish Date: 3-2-94

STATE OF ALASKA  
 1994 LEGISLATIVE SESSION

Revision Date: 02/01/94 Dept. Affected: Alaska Court System  
 Title: An Act extending the maximum period BRU: Trial Courts  
of probation after conviction Components: \_\_\_\_\_  
 Sponsor: Sen. Donley  
 Requestor: Judiciary COMPONENT SERIAL NO. 768

**EXPENDITURES/REVENUES** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: None

**ANALYSIS:** (Attach a separate page if necessary)  
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Agency: Alaska Court System Date: 02/01/94

Approved by: Arthur H. Snowden, II, Administrative Director Date: 02/01/94  
 Agency: Alaska Court System

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Official Business

# Alaska State Legislature

**Senator Dave Donley**

State Capitol  
Juneau, AK 99801-1182

## **SPONSOR STATEMENT**

### **Senate Bill 24**

### **Extending the Maximum Period of Probation After Conviction to Ten Years**

---

Senate Bill 24 extends the maximum period of probation from five to ten years. This change was recommended by the Sentencing Commission.

Governor Hickel has included the bill as a part of his anti-crime package (see attached). Passage of SB 24 would give our law enforcement officials an effective tool for keeping track of criminals and preventing recidivism after they have left the state prison system. As far as I am aware, there is no opposition to SB 24.

DD/mf

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

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

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

February 2, 1993

**SUBJECT:** Sectional Summary of SB 24 (Work Order No. 18-LS0304\A)

**TO:** Senator Dave Donley  
Attn: Max

**FROM:** Jerry Luckhaupt *JEL*  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill extends the maximum period of probation from five years to 10 years.

Section 2 of the bill provides an applicability provision.

GPL:gc  
93-092.glc

# FISCAL NOTE

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO: SB 24**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act extending the maximum period  
of probation" BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Donley  
 Requestor: S. JUD COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

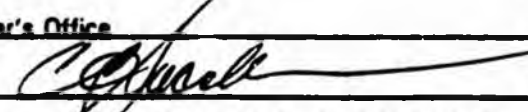
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

**POSITIONS:**

<b>FULL-TIME</b>	0	0	0	0	0	0
<b>PART-TIME</b>	0	0	0	0	0	0
<b>TEMPORARY</b>	0	0	0	0	0	0

**ANALYSIS: (Attach a separate page if necessary.)**  
 No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322  
 Division: Commissioner's Office Date: 2/1/94  
 Approved by Commissioner:  Date: 2/1/94  
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: December 15, 1993  
Title: "An Act extending the maximum period of probation after conviction."  
Sponsor: Senator Donlev  
Requestor: Governor's Office

Department Affected: Department of Law  
BRU: Prosecution  
Component: Criminal Justice Litigation  
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

This bill amends AS 12.55.090(c) to extend the maximum period of probation after conviction to ten years from five years. This is a sentencing provision that may have some impact on Probation and Parola, but will not have an impact on the Department of Law.

Prepared by: Richard I. Peques, Director

Phone: 465-3672

Division: Administrative Services Division

Date: December 15, 1993

Approved by Commissioner: Richard I. Peques / R.I.P.  
Charles E. Cole, Attorney General

Agency: Department of Law

Date: December 15, 1993

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**BILL NO:** SB 24

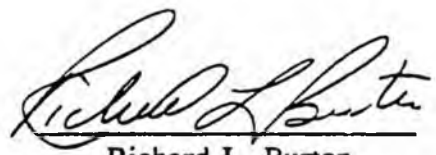
**DATE:** January 19, 1993

**TITLE:** An Act Extending the  
Maximum Period of  
Probation

**CONTACT:** C.E. Swackhammer  
Deputy Commissioner

SB 24 extends, from five to ten years, the maximum period of probation to which a convicted criminal defendant can be sentenced. There may be situations in which the court wishes to continue probation supervision of an offender for longer than the five-year period now allowed by law. This bill would allow the courts the flexibility to fashion a sentence which best fits a particular offense or defendant.

The Department of Public Safety supports this bill.



Richard L. Burton  
Commissioner

## THE GOVERNOR'S ANTI-CRIME PACKAGE

The following is taken from page 7 of Governor Hickel's Jan. 12, 1994 anti-crime package sectional analysis.

**Increase Probation from 5 to 10 Years** -- Among other benefits, this simple proposal would help protect Alaska's children and others from family violence. For example, right now many convicted child abusers or molesters finish serving their prison sentences while their own young children (who are most at risk from repeat violence) are still children. Because current law limits probation to only five years, the courts only have a maximum of five years of "control" over a released felon.

We can't lock all these offenders up forever. But by simply extending the allowable period of probation to up to 10 years for all felony offenses, we can give the courts the tool they need to "hang a hammer" over the head of released child abusers for a long, long time -- long enough for most of their kids to grow up and become safe, independent adults -- and do so without the more expensive costs of full-time incarceration. In property crimes cases, extending probation can also be revenue positive by increasing the State's ability to collect restitution.

Proposals like this have been pending in the legislature during the past several years. It is generally supported by both prosecutors and defense lawyers, and should be acted upon this Session.

# STATE OF ALASKA

## DEPARTMENT OF LAW

### CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

CRIMINAL DIVISION CENTRAL OFFICE  
P. O. BOX 110300 - STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 W. 4TH AVENUE, SUITE 318  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

January 19, 1993

The Honorable Dave Donley  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Re: SB 24 ("An Act Extending the Maximum Period of Probation After Conviction")

Dear Senator Donley:

By this letter, we wish to express our support for SB 24, "An Act Extending the Maximum Period of Probation After Conviction." Particularly for some offenses, such as sexual assaults and sexual abuse of minors, extended periods of supervision may reduce the number of new offenses committed by the defendant. Generally speaking, the costs associated with supervising a person on probation are less than the costs associated with new offenses. As a class, sex offenders in particular are difficult to treat and may reoffend years after release from incarceration.

Thank you for the opportunity to comment on this bill. If you have any further questions that we may be able to answer, please do not hesitate to call upon us.

Very truly yours,

CHARLES E. COLE  
ATTORNEY GENERAL

By: 

Dean J. Guaneli  
Assistant Attorney General

MOK/sf

# Alaska Association Chiefs of Police



January 25, 1993

Senator Dave Donley  
State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Donley:

I am writing to express the support of the Alaska Association of Chiefs of Police for Senate Bill 24. Existing law only allows for imposition of five years of probation. We support extending this to ten years as proposed in your bill.

Probation can be an excellent tool in protecting the public. We submit, however, that judges under current law are too limited and should be given the ability to require persons convicted of serious crimes to be monitored and supervised for longer periods of time when necessary.

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

Very truly yours,

A handwritten signature in cursive script, which appears to read "Ronald L. Otte", is written over the closing of the letter.

Ronald L. Otte  
President

RLO/lp

---

# ALASKA NETWORK

---

ON

---

# DOMESTIC VIOLENCE

---

AND

---

# SEXUAL ASSAULT

---

419 6th Street, No. 116 • Juneau, Alaska 99801 • (907) 586-3650

---

---

Abused Women's Aid in Crisis (AWAIC); Advocates for Victims of Violence (AVV);  
Aiding Women in Abuse and Rape Emergencies (AWARE);  
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);  
Bering Sea Women's Group (BSWG); Emmanak Women's Shelter;  
Kodiak Women's Resource & Crisis Center (KWRC);  
Marilou Regional Women's Crisis Program; Parent Aid Family Support Center;  
Safe & Fear-Free Environment (SAFE); Seward Life Action Council (SLAC);  
Sitka Against Family Violence (SAFV); South Peninsula Women's Services (SPWS);  
Standing Together Against Rape (STAR);  
Tongass Community Counseling Center; Tundra Women's Coalition (TWC);  
Unalakleet Against Sexual Assault & Family Violence (USAFV);  
Valley Women's Resource Center (VWRC);  
Women in Crisis Counseling & Assistance (WCCA);  
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

---

## SENATE BILL 24

The Alaska Network on Domestic Violence supports Senate Bill 24, which provides judges with the ability to order probation for up to ten years after an offense. The Network is a non-profit coalition of 22 organizations throughout Alaska which work with victims of domestic violence and sexual assault.

Alaska has a very high rate of violent crime, including one of the highest rates of assault and sexual assault in the nation. These crimes in Alaska are on the increase. Reported rapes in Alaska rose 91% from 1989 to 1991 (277 in 1989 to 530 in 1991). The number of assaults per one thousand persons has increased over 57% in the last five years.

National studies have shown that sex offenders have 80-90% rates of recidivism, and that the risk of reoffending does not diminish over time. Current probation limits are insufficient and counterproductive in keeping track of this group of offenders, who need to be monitored over a long period of time. Senate Bill 24 would give judges greater flexibility in tailoring appropriate sentences.

# ALASKA PEACE OFFICERS ASSOCIATION



State and Anchorage Offices: • 1441 West Northern Lights Blvd., Suite M • Anchorage, Alaska  
Mailing Address: P.O. Box 240106 • Anchorage, Alaska 99524-0106 • Office (907) 277-0515 • Fax (907) 272-5356

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Edward T. Harter  
Anchorage

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January 25, 1993

Senator Dave Donley  
Alaska State Legislature  
Capitol, Room 11  
P.O. Box V (MS 3100)  
Juneau, Alaska 99801

Dear Senator Donley:

On behalf of the Alaska Peace Officers Association, I welcome you to the Alaska State Legislature.

In the next month, we will be sending a copy of our position paper to you. Our position paper contains information on legislation we are interested in. We would be happy to be a resource to you on criminal justice issues. Please do not hesitate to contact me directly.

We will be in Juneau in late February or early March to hold a board meeting. We will be meeting with legislators while we are in Juneau.

Please feel free to call on us about any criminal justice concerns.

Very truly yours,

  
Terry L. Marquart  
President

# HOUSE COMMITTEE REPORT

(7)  
Date Referred: March 23, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 4-18-94

The JUDICIARY Committee considered:

SB 24

SENATE BILL NO. 24

EXTEND MAXIMUM PERIOD OF PROBATION

"An Act extending the maximum period of probation after conviction."

**RECOMMENDATIONS:**

be replaced with SB 24  the same title  a new title

have attached amendments(s)

(5)  do pass

do not pass

(5)  no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Disc) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) COYR, ACS, LAW, AST (P.S.)

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	

*[Signature]*  
CHAIRMAN'S SIGNATURE

FISCAL NOTE

REQUEST:

Title: An Act extending the maximum period of probation

Dept: Corrections

Sponsor: Sen. Donley

BRU: All

Requestor: House Finance Committee

Components: All

No: 694-1884

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous	*	*	*	*	*	*
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES	*	*	*	*	*	*
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES	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	*	*	*	*	*	*

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST \$

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

ANALYSIS: (Attach a separate page if necessary)

The bill will result in increased expenses for probation services and may impact incarcerated populations, but specific dollar impact cannot be predicted. See attached.

Rep. Ron Larson, Co-Chair

465-3878

Prepared By:

Rep. Eileen MacLean, Co-Chair *epm*

Phone: 465-4833

Division:

House Finance Committee

Date: 4/26/94

Approved By:

Agency:

Date:

The bill would extend the maximum period of probation from five years to ten years.

### Assumptions

1. The bill will probably not effect probation caseloads until five years after it goes into effect. However, offenders now receiving less than the maximum five years might begin receiving longer periods of probation right away as a sort of "inflationary" effect. For example, an offender who would receive two and a half years of probation under current law is being given half of the maximum time; a court might give the same offender five years under the new law to reflect the seriousness of the offense.
2. Probation Officers are currently carrying caseloads averaging 75-80 offenders. Larger caseloads would dilute the effectiveness of supervision and defeat the purpose of extending the period of supervision. Additional probation-days cannot be absorbed without additional resources. The department's liability for inadequate supervision of probationers has been set forth in court decisions such as Neokok.
3. Salary, benefits, and insurance for a beginning Probation Officer II are estimated to be approximately \$52,243 per year.
4. A longer period of probation supervision may increase the likelihood of the court imposing probation as an alternative to incarceration. However, the longer an offender is on probation, the greater the chances the offender may be caught violating his or her conditions and being returned to prison. Therefore, the bill may reduce or increase prison populations.

### Operating Expenses

It is not possible to estimate a dollar figure. Increases in Community Corrections personnel costs are inevitable, probably beginning five years after the change goes into effect. There may be increases in operating costs for prisons, due to more violators being placed in prison. That increase may be offset by use of probation as an alternative to incarceration.

**SB**

**24**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/4/94

FURTHER:

DATE TURNED INTO OFFICE: 3-1-94

The Finance Committee considered **SENATE BILL NO. 24**

"An Act extending the maximum period of probation after conviction."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attaches amendment(s)

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

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal
DOLaw	12-15-93	<del>0</del>	
Courts	2-1-94	<del>0</del>	
DOLCorrections	2-8-94		Indeterminate

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
DPS	2-1-94	<del>0</del>	

Appropriation No Fiscal Note

**DO PASS:**

\_\_\_\_\_  
 Steve Kim  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
 George J. ...  
 \_\_\_\_\_  
 Tom Kelly - No Rec  
 \_\_\_\_\_  
 Bert Sharp - Do Not Pass  
 \_\_\_\_\_

1. Do Pass  
 Co-Chair: Signature/Recommendation

2. Do Pass  
 Co-Chair: Signature/Recommendation

**FISCAL NOTE**

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO. SB 24**

Revision Date: December 15, 1993

Department Affected: Department of Law

Title: "An Act extending the maximum period of probation after conviction."

BRU: Prosecution

Sponsor: Senator Donlev

Component: Criminal Justice Litigation

Requestor: Governor's Office

COMPONENT SERIAL NO. 0093

**EXPENDITURES/REVENUES:**

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING:**

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

**POSITIONS:**

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

Estimate of current year (FY94) impact: -0-

**ANALYSIS:** (Attach a separate page if necessary.)

This bill amends AS 12.55.090(c) to extend the maximum period of probation after conviction to ten years from five years. This is a sentencing provision that may have some impact on Probation and Parole, but will not have an impact on the Department of Law.

Prepared by: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services Division

Date: December 15, 1993

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law

Date: December 15, 1993

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# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: 02/01/94  
 Title: An Act extending the maximum period  
of probation after conviction  
 Sponsor: Sen. Donley  
 Requestor: Judiciary

Dept. Affected: Alaska Court System  
 BRU: Trial Courts  
 Components: \_\_\_\_\_  
 COMPONENT SERIAL NO. 768

**EXPENDITURES/REVENUES** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

**ANALYSIS:** (Attach a separate page if necessary)  
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Agency: Alaska Court System Date: 02/01/94

Approved by: Arthur H. Snowden, II, Administrative Director Date: 02/01/94  
 Agency: Alaska Court System

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# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: February 5, 1994 Dept. Affected: Corrections  
 Title: An Act extending the maximum BRU: A11  
period of probation Component: A11  
 Sponsor: Sen. Donley  
 Requestor: Senate Finance COMPONENT SERIAL NO. 694-1884

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	*	*	*	*	*	*
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>	*	*	*	*	*	*
-----------------------------	---	---	---	---	---	---

<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0
-------------------------------	---	---	---	---	---	---

**FUND SOURCE**

(Thousands of Dollars)

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

Estimate of any current year (FY94) cost: \$ 0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The bill will result in increased expenses for probation services and may impact incarcerated populations, but specific dollar impact cannot be predicted. Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2147  
 Division: Office of the Commissioner Date: 2/5/94  
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 2/8/94  
 Agency: Department of Corrections

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The bill would extend the maximum period of probation from five years to ten years.

### Assumptions

1. The bill will probably not effect probation caseloads until five years after it goes into effect. However, offenders now receiving less than the maximum five years might begin receiving longer periods of probation right away as a sort of "inflationary" effect. For example, an offender who would receive two and a half years of probation under current law is being given half of the maximum time; a court might give the same offender five years under the new law to reflect the seriousness of the offense.

2. Probation Officers are currently carrying caseloads averaging 75-80 offenders. Larger caseloads would dilute the effectiveness of supervision and defeat the purpose of extending the period of supervision. Additional probation-days cannot be absorbed without additional resources. The department's liability for inadequate supervision of probationers has been set forth in court decisions such as Neokok.

3. Salary, benefits, and insurance for a beginning Probation Officer II are estimated to be approximately \$52,243 per year.

4. A longer period of probation supervision may increase the likelihood of the court imposing probation as an alternative to incarceration. However, the longer an offender is on probation, the greater the chances the offender may be caught violating his or her conditions and being returned to prison. Therefore, the bill may reduce or increase prison populations.

### Operating Expenses

It is not possible to estimate a dollar figure. Increases in Community Corrections personnel costs are inevitable, probably beginning five years after the change goes into effect. There may be increases in operating costs for prisons, due to more violators being placed in prison. That increase may be offset by use of probation as an alternative to incarceration.

# FISCAL NOTE

No. 1  
 I Version: SB 24  
 (S) Publish Date: 2-4-94

**STATE OF ALASKA  
 1994 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act extending the maximum period of probation" BRU: Alaska State Troopers  
 Sponsor: Senator Donlev Component: Detachments  
 Requestor: S. JUD COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

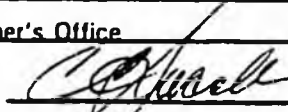
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**  
 No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322  
 Division: Commissioner's Office Date: 2/1/94  
 Approved by Commissioner:  Date: 2/1/94  
 Agency: Richard L. Burton, Dept. of Public Safety

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# Alaska State Legislature

Official Business

State Capitol  
Juneau, AK 99801-1182

## MEMORANDUM

TO: Senator Drue Pearce, Senator Steve Frank  
Co-Chairs, Senate Finance Committee

FROM: Senator Dave Donley 

RE: Senate Bill 24  
"Extending the maximum period of probation after conviction"

DATE: February 17, 1994

During this fall's hearings on crime and crime bills before the legislature, District Attorney Ed McNally stated his support for extending the maximum period of probation. Governor Hickel has included the bill as a part of his anti-crime package.

Senate Bill 24 is the only proposal before the legislature of its type. It would extend the maximum period of probation from five to ten years. By passage of SB 24 we would be giving law enforcement an effective tool for keeping track of criminals after they have left the state prison system. As Mr. McNally pointed out, and as far as I am aware, there is no opposition to SB 24.

On February 4, 1994, Senate Bill 24 passed out of the Senate Judiciary Committee with Senators Halford, Little and Donley signing "do pass" and Senator Jacko signing "no recommendation".

Please schedule Senate Bill 24 for a hearing in the Senate Judiciary Committee as soon as possible.

DD/mf



# Alaska State Legislature

## SENATE

Official Business

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

### WHY WE NEED SB 24:

It gives judges greater flexibility in sentencing criminal defendants by increasing the maximum allowable period of probation from five years to ten years.

### HOW SB 24 WILL IMPROVE THE CRIMINAL JUSTICE SYSTEM:

- ( 1 ) There are offenders who pose a high task of recidivism, such as sex offenders, where five years may not be a long enough period of probation. Judges should have the tool available to put someone on probation as long as is necessary to protect the public.
- ( 2 ) Where an offender is asked to pay a large amount of restitution, five years may not be long enough for the full amount to be paid. Because probation may not exceed five years, there are offenders who are being returned to jail for failure to pay restitution. With a longer probation period the state could avoid the high cost of incarcerating these offenders and victims could be fully compensated for their injuries.
- ( 3 ) In appropriate cases, providing for a a longer probationary period will allow judges to fashion sentences that provide a lower cost punishment than jail.

### WHO SUPPORTS SB 24:

The legislation is supported by the Department of Law, the Department of Public Safety, the Alaska Association of Chiefs of Police, and the Network on Domestic Violence and Sexual Assault.

### QUESTION - WHY ARE ALL THE FISCAL NOTES ZERO?

Fiscal notes are projections for the next five years. Since the bill only applies to offenses committed after the effective date of the Act, and judges can now put people on probation for five years, the fiscal impact for the next five years is clearly zero. After that, the experts tell us there is no way to calculate the cost. Although some people will be on probation for longer periods of time, others will be probation instead of going to jail which will result in a net cost savings.

## THE GOVERNOR'S ANTI-CRIME PACKAGE

The following is taken from page 7 of Governor Hickel's Jan. 12, 1994 anti-crime package sectional analysis.

Increase Probation from 5 to 10 Years -- Among other benefits, this simple proposal would help protect Alaska's children and others from family violence. For example, right now many convicted child abusers or molesters finish serving their prison sentences while their own young children (who are most at risk from repeat violence) are still children. Because current law limits probation to only five years, the courts only have a maximum of five years of "control" over a released felon.

We can't lock all these offenders up forever. But by simply extending the allowable period of probation to up to 10 years for all felony offenses, we can give the courts the tool they need to "hang a hammer" over the head of released child abusers for a long, long time -- long enough for most of their kids to grow up and become safe, independent adults -- and do so without the more expensive costs of full-time incarceration. In property crimes cases, extending probation can also be revenue positive by increasing the State's ability to collect restitution.

Proposals like this have been pending in the legislature during the past several years. It is generally supported by both prosecutors and defense lawyers, and should be acted upon this Session.

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

CRIMINAL DIVISION, CENTRAL OFFICE  
P. O. BOX 110300 - STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3429

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 W. 4TH AVENUE, SUITE 318  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

January 19, 1993

The Honorable Dave Donley  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Re: SB 24 ("An Act Extending the Maximum Period of Probation After Conviction")

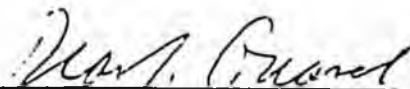
Dear Senator Donley:

By this letter, we wish to express our support for SB 24, "An Act Extending the Maximum Period of Probation After Conviction." Particularly for some offenses, such as sexual assaults and sexual abuse of minors, extended periods of supervision may reduce the number of new offenses committed by the defendant. Generally speaking, the costs associated with supervising a person on probation are less than the costs associated with new offenses. As a class, sex offenders in particular are difficult to treat and may reoffend years after release from incarceration.

Thank you for the opportunity to comment on this bill. If you have any further questions that we may be able to answer, please do not hesitate to call upon us.

Very truly yours,

CHARLES E. COLE  
ATTORNEY GENERAL

By:   
Dean J. Guaneli  
Assistant Attorney General

MOK/sf

**BILL NO:** SB 24

**DATE:** January 19, 1993

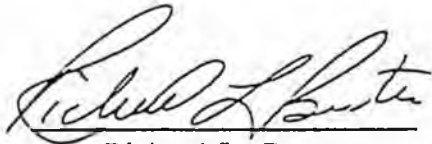
**TITLE:** An Act Extending the  
Maximum Period of  
Probation

**CONTACT:** C.E. Swackhammer  
Deputy Commissioner

**POSITION PAPER - Department of Public Safety**

SB 24 extends, from five to ten years, the maximum period of probation to which a convicted criminal defendant can be sentenced. There may be situations in which the court wishes to continue probation supervision of an offender for longer than the five-year period now allowed by law. This bill would allow the courts the flexibility to fashion a sentence which best fits a particular offense or defendant.

The Department of Public Safety supports this bill.



Richard L. Burton  
Commissioner

# Alaska Association Chiefs of Police



January 25, 1993

Senator Dav. Donley  
State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Donley:

I am writing to express the support of the Alaska Association of Chiefs of Police for Senate Bill 24. Existing law only allows for imposition of five years of probation. We support extending this to ten years as proposed in your bill.

Probation can be an excellent tool in protecting the public. We submit, however, that judges under current law are too limited and should be given the ability to require persons convicted of serious crimes to be monitored and supervised for longer periods of time when necessary.

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

Very truly yours,

A handwritten signature in cursive script, which appears to read "Ronald L. Otte", is written over the typed name.

Ronald L. Otte  
President

RLO/lp

**ALASKA NETWORK**  
**ON**  
**DOMESTIC VIOLENCE**  
**AND**  
**SEXUAL ASSAULT**

419 6th Street, No. 116 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC); Advocates for Victims of Violence (AV  
Aiding Women in Abuse and Rape Emergencies (AWARE)  
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC)  
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter  
Kodiak Women's Resource & Crisis Center (KWRC)  
Marilleq Regional Women's Crisis Program; Parent Aid Family Support Center  
Safe & Fear-Free Environment (SAFE); Seward Life Action Council (SLAC)  
Sikans Against Family Violence (SAFV); South Peninsula Women's Services (SPWS)  
Standing Together Against Rape (STAF)  
Tongass Community Counseling Center; Tundra Women's Coalition (TWC)  
Unalaska Against Sexual Assault & Family Violence (USAFV)  
Valley Women's Resource Center (VWRC)  
Women in Crisis Counseling & Assistance (WCCA)  
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

SENATE BILL 24

The Alaska Network on Domestic Violence supports Senate Bill 24, which provides judges with the ability to order probation for up to ten years after an offense. The Network is a non-profit coalition of 22 organizations throughout Alaska which work with victims of domestic violence and sexual assault.

Alaska has a very high rate of violent crime, including one of the highest rates of assault and sexual assault in the nation. These crimes in Alaska are on the increase. Reported rapes in Alaska rose 91% from 1989 to 1991 (277 in 1989 to 530 in 1991). The number of assaults per one thousand persons has increased over 57% in the last five years.

National studies have shown that sex offenders have 80-90% rates of recidivism, and that the risk of reoffending does not diminish over time. Current probation limits are insufficient and counterproductive in keeping track of this group of offenders, who need to be monitored over a long period of time. Senate Bill 24 would give judges greater flexibility in tailoring appropriate sentences.

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

FISCAL NOTE

4/28/94  
PASSED (H) RECON NTGE  
BILL NO.: SB 24

Revision Date:	<u>April 25, 1994</u>	Dept. Affected:	<u>Corrections</u>
Title:	<u>Extend Maximum Period of Probation</u>	BRU:	<u>All</u>
Sponsor:	<u>Sen. Donley</u>	Component:	<u>All</u>
Requestor:	<u>IL FIN</u>	Component Serial #:	<u>694-1884</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	50.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	.	.	.	.	.	.
<b>TOTAL OPERATING</b>	<b>50.0*</b>	.	.	.	.	.

CAPITAL EXP	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
---------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	50.0*	.	.	.	.	.
1005 GF/Program Receipts						
1006 GF/MITLA						
Other						
<b>TOTAL</b>	<b>50.0*</b>	.	.	.	.	.

Estimate of any current year (FY94) cost \$ 0.0

POSITIONS

FULL-TIME	.	.	.	.	.	.
PART-TIME	.	.	.	.	.	.
TEMPORARY	.	.	.	.	.	.

ANALYSIS: Please see the attached explanation.

Prepared by: Diane Schenker, Special Assistant  
 Division: Office of the Commissioner  
 Approved by: J. Frank Prewitt, Jr., Commissioner  
 Agency: Department of Corrections

Phone: 465-4643/786-2147  
 Date: 4/25/94  
 Date: 4/25/94  
 Page 1 of 2

SB 24

### Assumptions

1. The bill will probably not effect probation caseloads until five years after it goes into effect. However, offenders now receiving less than the maximum five years might begin receiving longer periods of probation right away as a sort of "inflationary" effect. For example, an offender who would receive two and a half years of probation under current law is being given half of the maximum time; a court might give the same offender five years under the new law to reflect the seriousness of the offense.
2. Probation Officers are currently carrying caseloads averaging 75-80 offenders. Larger caseloads could dilute the effectiveness of supervision and defeat the purpose of extending the period of supervision. Additional probation-days cannot be absorbed without additional resources. The department's liability for inadequate supervision of probationers has been set forth in court decisions such as Neokok. Salary, benefits, and insurance for a beginning Probation Officer II are estimated to be approximately \$52,243 per year.
3. A longer period of probation supervision may increase the likelihood of the court imposing probation as an alternative to incarceration. However, the longer an offender is on probation, the greater the chances the offender may be caught violating his or her conditions and being returned to prison. Therefore, the bill may reduce or increase prison populations.
4. The department requested (and was denied) funding for FY95 for a pilot program to test the Level of Supervision Inventory, a risk/need assessment tool developed in Canada. The tool is a mechanism for classifying probationers so that limited staff resources can be focused on high risk offenders. Because the tool was developed using actual recidivism data, it may be more reliable than our current risk/needs assessment; this would assist the department in providing better public safety. It could lessen the probability of successful litigation for lack of adequate supervision. If the department were able to test the tool in a pilot program, and it were found to improve our case management efficiency, higher numbers of probationers resulting from this bill might be absorbed with less staff increase. If it is an effective tool, it could assist the department's on-going efforts to balance public safety with fiscal savings in considering probation/parole revocations as well. Funding an LSI pilot project in FY95 is expected to cost approximately \$50.0 in contractual funds.

### Operating Expenses

An investment of \$50.0 for a contractual pilot LSI project could help contain or avoid the indeterminate future impacts of higher probation caseloads, increased probation revocations leading to prison, etc. The cost-avoidance resulting from probation as an alternative to incarceration could also be improved with the use of recidivism-based sentencing recommendations.

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

*[Handwritten Signature]*

DATE: 1/11/93

FURTHER: FINANCE

Date of 5-Day Notice: 1/27/94  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/3/94

JUDICIARY      Committee considered      SENATE BILL NO. 24

"~~An Act~~ extending the maximum period of probation after conviction."

and recommends:

and a majority of the committee recommends do pass

replace with \_\_\_\_\_ CS \_\_\_\_\_

attaches amendment(s)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

same title  
 new title  
 technical title change  
(HB only)

*[Handwritten: Fm]*

**FISCAL NOTE INFORMATION**

Department	Date	Zero	Fiscal
Public Safety	2/1/94	<input checked="" type="checkbox"/>	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

**DO PASS:**

Suzanne Little Little  
Cheryl Conley Only

**OTHER RECOMMENDATIONS:**

George Jackson - JACKS - n/r

Rick Halford *do pass*  
\* Vice Chair: Signature and Recommendation

# FISCAL NOTE

*Updated by 2/1/94 note that  
traded with the bill.*  
**BILL NO: SB 24**

**STATE OF ALASKA  
1993 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act extending the maximum period BRU: Alaska State Troopers  
of probation Component: Detachments  
 Sponsor: Senator Donley  
 Requestor: Senator Donley 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						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-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						
<b>TOTAL</b>	-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: \$ None

**ANALYSIS: (Attach a separate page if necessary.)**

No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: F/Sgt. Howard Burger Phone: 269-5976  
 Division: Alaska State Troopers Date: 1/15/93  
 Approved by Commissioner: *Richard J. Burton* Date: 1/15/93  
 Agency: Richard J. Burton, Dept. of Public Safety

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# FISCAL NOTE

3/17/93  
HES then SUD, FY93

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO. SB 25**

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An Act relating to the detention and incarceration of minors." BRU: Institutions  
 Component: Institutions  
 Sponsor: Senator Duncan  
 Requestor: Senate HESS Committee COMPONENT SERIAL NO. 1860

**Expenditures/Revenues:**

(Thousands of Dollars)

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

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING:**

(Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF	-0-	-0-	-0-	-0-	-0-	-0-
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-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) This legislation provides provisions that recognize weather caused transportation delays that can arise moving minors during temporary detention and that allow detention in a correctional facility for protective custody and allow detention in a correctional facility of a minor held pending prosecution as an adult, provided that in all cases the minor is provided sight and sound separation from adult offenders. There is no fiscal impact to this legislation.

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

Phone: 465-3376  
 Date: 3-16-93  
 Date: 3-16-93

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# FISCAL NOTE

1/25/93  
Join then Fin

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO.** SB 24

Revision Date: 1-21-1993 Dept. Affected: Corrections  
 Title: "... extending probation to 10 years" BRU: Community Corrections  
 Sponsor: Senator Dave Donley Component: Northern, Southcentral, Southcentral Probation  
 Requestor: Senator Dave Donely COMPONENT SERIAL NO. 710;723;727

**Expenditures/Revenues:**

(Thousands of Dollars)

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

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING:**

(Thousands of Dollars)

FUNDING:	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

POSITIONS:	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME						
PART-TIME						
TEMPORARY						

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

**ANALYSIS:** (Attach a separate page if necessary)

Please see the attached fiscal analysis

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

Phone: 465-3376  
 Date: 1-21-93  
 Date: 1-22-93

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SB 24

Continuation of fiscal note analysis

Senate Bill 24: "An Act extending the maximum period of probation after conviction."

The current maximum period of probation is five years. This bill does not apply to crimes committed before the Act's effective date, and therefore there is no fiscal impact on the Department for the fiscal years reflected on this fiscal note.

The Department will be able to minimize the future fiscal impact of this legislation because the probation officers' sentencing recommendations are generally followed by the Court. The Department would seldom recommend more than five years of probation.

Extension of probation may be used in lieu of incarceration, in cases of probation violation, particularly when the offender owes large amounts of restitution. In such instances, the bill might contribute to lessening overcrowding in prisons, thus reducing the need for costly prison construction and operation.

Probation caseloads are currently averaging about 85 offenders per officer. The probation population is growing at a rate of about 4% per year. Although the number of cases in which the courts may extend probation for up to an additional five years is difficult to quantify, the effect of the bill will be to accelerate the growth of probation caseloads, and thus the demand for additional probation officers.

2/2/93

JLW then FIA

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill No. SB 24

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act extending the maximum BRU: Trial Courts  
period of probation after conviction Components: \_\_\_\_\_  
 Sponsor: Donley  
 Requestor: Donley COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

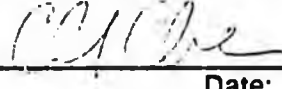
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228  
 Division: Alaska Court System Date: 01/22/93

Approved by: Arthur H. Snowden, II, Administrative Director   
 Agency: Alaska Court System Date: 01/22/93

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

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

1-19-93  
5(jud)  
Fin  
BILL NO. SB 24

Revision Date: January 13, 1993  
Title: "An Act extending the maximum period of probation after conviction."  
Sponsor: Senator Donley  
Requestor: Senator Donley

Department Affected: Department of Law  
BRU: Prosecution  
Component: Criminal Justice Litigation  
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.)

This bill amends AS 12.55.090(c) to extend the maximum period of probation after conviction to ten years from five years. This is a sentencing provision that may have some impact on Probation and Parole, but it will not have an impact on the Department of Law.

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

Phone: 465-3672  
Date: January 13, 1993

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

Date: January 13, 1993

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# FISCAL NOTE

3/15/93

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

BILL NO: SB 25

MESA HUN SUB (FIN)

Revision \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act relating to the detention and incarceration of minors." BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Duncan  
 Requestor: Senate HESS 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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>REVENUE FUND SOURCE:</b>						

**FUNDING: (Thousands of Dollars)**

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

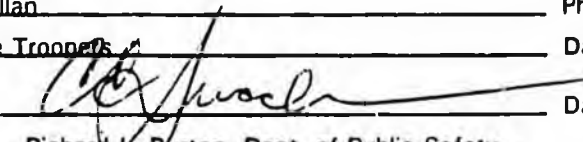
**POSITIONS:**

<b>FULL-TIME</b>	0	0	0	0	0	0
<b>PART-TIME</b>						
<b>TEMPORARY</b>						

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

**ANALYSIS:** (Attach a separate page if necessary.)

No significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 2/18/93  
 Approved by Commissioner:  Date: 3/11/93  
 Agency: Richard L. Burton, Dept. of Public Safety

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The Department of Public Safety shares with the Division of Family and Youth Services the responsibility to transport juvenile prisoners prior to their acceptance into an appropriate juvenile facility. Numerous juvenile transports are conducted by the Alaska State Troopers annually, funded through the prisoner transport budget. This bill is not expected to result in any increase in the number of juvenile transports, so there should be no additional fiscal impact to the Department.