

ALASKA LEGISLATURE

1461

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.
 03/08/95 Position Information Inquiry/Update

10:35:26

Position: 12-125234 Project: 0 Salary Costs: 23,556.00
 Component: 12-55-07-07-01-01 Region: Benefits Costs: 12,552.81
 Scenario: 7 FY: 96 COLA % = 0.000 Total Costs: 36,108.81

 Actuals from Payroll (Status: FILLED) Retirement Code: A

 A Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
 95/08/16 Merit Date; use merit defaults? N (1.5 @ A & 10.5 @ B)
 1 Class/Sched Prefix: 1 Schedule: 1A (actual: 1A)
 GG Bargaining Unit: GG Range: 09 (actual: 08)
 AWA ? Location Code: EBA Place: ANCHORAGE
 P7549 ? Job Class Code: P7550 Title: MOTOR VEHICLE REP II
 F Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Premium Pay Items/Amounts Budgeted	Item Cost	---- Actual Costs ---- Y.T.D.	Prior Year
Overtime Hours: 0.0	0.00	0	0
Graveyard Shift Diff. (months): 0.00	0.00	0	0
Swing Shift Diff. (months): 0.00	0.00	0	0
Hazard Pay (\$): 0.00	0.00	0	0
Sea Duty Pay (\$): 0.00	0.00	0	0
Standby Pay (\$): 0.00	0.00	0	0
Higher Class Work Pay (\$): 0.00	0.00	0	0
Area Subsistence Pay (\$): 0.00	0.00	0	0
Additional Salary (\$): 0.00	0.00	0	0
PLUS 0.00000 PERCENT C.O.L.A.	0.00	0	0
Total Premium Pay Costs:	0.00	0	0

Press ENTER to update record; enter # or use PF key to go another screen:
 1=Position Inquiry/Update 2=Funding info 12=Exit w/o update Selection: 0

FISCAL NOTE

No. 3
 Bill Version: SB 6
 (S) Publish Date: 2-9-95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: License/Registration - Suspension/ BRU: Trial Courts
 Denial: _____ Components: _____
 Sponsor: Sen. Taylor
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	5.5	5.5	5.5	5.5	5.5	5.5
TRAVEL						
CONTRACTUAL	1.5	1.5	1.5	1.5	1.5	1.5
SUPPLIES	0.2	0.2	0.2	0.2	0.2	0.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	7.2	7.2	7.2	7.2	7.2	7.2
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.2	7.2	7.2	7.2	7.2	7.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	7.2	7.2	7.2	7.2	7.2	7.2

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 264-8228
 Agency: Alaska Court System Date: 02/02/95

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]* Date: 02/02/95
 Agency: Alaska Court System

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Alaska Court System
Fiscal Analysis
SB 6

This bill provides the option of suspending driver's licenses for persons who fail to pay fines in traffic-related offenses and to persons who fail to appear at the court for moving violations. The court will be required to prepare two new forms: (1) a notice of license revocation and (2) a notice of termination of license revocation. During FY 94, the court system processed over 71,700 traffic offenses of which over 41,000 involved moving violations. For purposes of this fiscal note, we have used the following assumptions:

Estimated Number of Warrants Issued for Failure to Satisfy (25% of all traffic citations)	17,900	
10% of warrant recipients will receive Notice of Revocation		1,800
80% of notice recipients will receive Notice of Termination of Revocation		1,400
Estimated Number of Warrants Issued for Failure to Appear (20% of moving violation citations)	8,200	
10% of warrant recipients will receive Notice of Revocation		800
80% of notice recipients will receive Notice of Termination of Revocation		600
Total number of notices processed by the courts		4,800

It is assumed that each notice will require 3 minutes of clerical time for preparation, mailing and tracking. Statewide clerical overtime needs are estimated at 230 hours.

Fiscal Impact

Amount

Personal Services

Overtime pay for clerical staff to accomplish additional computations. Based on range 10C Anchorage court clerk	5,522
---	-------

Contractual

Postage - mail 4,600 notices at 32¢ each	1,472
--	-------

Supplies

Cost of paper and envelopes for printing and mailing notices	202
--	-----

Total Cost	<u>\$7,198</u>
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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 2
Bill Version: SB 6
(S) Publish Date: 2/3/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to registration of a motor vehicle...suspension...for failure to pay a fine..." BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Robin Taylor
 Requestor: (S) State Affairs COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-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						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

	0	0	0	0	0	0
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.)
See attached discussion.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/31/95
 Approved by Commissioner: *Dee Smith* Date: 2/1/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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Division of Alaska State Troopers
Fiscal Note Analysis
Senate Bill 6

In Alaska, there are approximately 27,000 driver's licenses in a suspended or revoked status. The Alaska State Troopers apprehend approximately 8%, or about 2,000 people operating motor vehicles with suspended or revoked licenses per year. The Alaska Court System indicates that if the bill passes, they would present an additional 2,500 licenses for suspension per year. Currently, about 25,000 traffic citations are not paid per year.

Most of these cases are handled relatively quickly through the court system either at arraignment or a change of plea proceeding relatively soon afterwards. About 10-15% of the cases move through the court system towards a trial, and have evidentiary hearings and occasionally some trials.

Currently, very few troopers are available for proactive traffic enforcement, and this is not expected to change. While it is likely that additional cases of Driving with a Suspended License (DWLS) would be encountered by troopers, at this time it is difficult to estimate how many cases would be affected or their exact costs. It is possible that the department may have to prepare a request for additional funds in the future if these costs prove to be significant.

FISCAL NOTE

No. 1

Bill Version: SB6

**STATE OF ALASKA
1995 LEGISLATIVE SESSION**

BILL NO: (3) Publish Date: 2/3/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to registration of a motor BRU: Motor Vehicles
vehicle and suspension of a driver license... Component: Driver Services & Field Services
 Sponsor: Senator Taylor
 Requestor: (S) State Affairs COMPONENT SERIAL NO. 0500 & 0502

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

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING						
PERSONAL SERVICES	75.1	75.1	75.1	75.1	75.1	75.1
TRAVEL						
CONTRACTUAL	8.7	2.9	2.9	2.9	2.9	2.9
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	20.0					
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	104.8	79.0	79.0	79.0	79.0	79.0
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES (1004)	416.2	416.2	416.2	416.2	416.2	416.2
) Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE	104.8	79.0	79.0	79.0	79.0	79.0
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	104.8	79.0	79.0	79.0	79.0	79.0

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 1/26/95
 Approved by Commissioner: Ronald L. Otte Date: 2/1/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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DPS FISCAL ANALYSIS
SB 6

This bill allows the courts to suspend a driver's license of a person who has failed to appear in court or failed to pay a fine for a moving traffic offense. The court has advised there are 25,000 moving violations each year where the person fails to pay the fine or fails to appear in court for these offenses. Assuming the court suspends the driver's license of 10 percent or 2,500 driver's license each year.

This bill impacts the Division of Motor Vehicles by resulting to 4,750 updates to the driving record of the persons whose license is being suspended. One computer entry to add the suspension to the driving record; and another entry to end the suspension once the person has complied. Reinstating the driver's license will also impact the DMV field offices. The Motor Vehicle Representative will be required to see proof from the court that the person has complied with the court requirements by, appearing in court, or by paying the fine for the moving violation. It is estimated 90 percent of all persons whose license is suspended will reinstate their driving privilege. A \$100.00 reinstatement fee is charged anytime a person has had their license suspended or revoked within the 10 years preceding application for a driver's license. It is estimated 1,125 individual's will pay the \$100. If the license was suspended or revoked more than one time within the 10 years preceding application for a driver's license, the reinstatement fee is increased to \$250. It is estimated 1,125 will pay the \$250. A person will also have to pay a duplicate license fee of \$10 prior to the license being issued. The amount of additional new general fund program receipt revenue generated by this bill is approximately \$416.2

Total number of suspension notices received from the courts by DMV	2,500
Total number of suspension notices being ended when a person has complied with the courts	2,250
Total number of license reinstated	2,250

	<u>FY 96</u>	<u>FY97</u>
<u>Personal Services</u>		
	<u>Salary and Benefits</u>	
Administrative Clerk III (Juneau)	\$38.4	\$38.4
Motor Vehicle Representative II (Anchorage)	\$36.7	\$36.7
<u>Contractual</u>		
Computer line Charges (Mainframe connection) \$0.5 per workstation	\$1.0	\$1.0
Postage 1st class mail	\$0.8	\$0.8
Postage is for 2,500 courtesy letters informing the individual of the effective date of the license suspension.		
Telephone lease & line charges	\$1.1	\$1.1
Redesign and printing of traffic citations	\$5.8	
<u>Supplies</u>		
Routine office supplies	\$1.0	\$1.0
<u>Equipment</u>		
2 Computer Workstations @ \$10.0 each (One time costs)	\$20.0	
TOTAL	\$104.8	\$79.0

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

FISCAL NOTE

No. 1

Bill Version: SB6

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: (G) Publish Date: 2/3/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to registration of a motor BRU: Motor Vehicles
vehicle and suspension of a driver license... Component: Driver Services & Field Services
 Sponsor: Senator Taylor
 Requestor: (S) State Affairs COMPONENT SERIAL NO. 0500 & 0502

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	75.1	75.1	75.1	75.1	75.1	75.1
TRAVEL						
CONTRACTUAL	8.7	2.9	2.9	2.9	2.9	2.9
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	20.0					
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	104.8	79.0	79.0	79.0	79.0	79.0
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES (1004) Revenue Code	416.2	416.2	416.2	416.2	416.2	416.2

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE	104.8	79.0	79.0	79.0	79.0	79.0
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	104.8	79.0	79.0	79.0	79.0	79.0

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Replaced by 4/95

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 1/26/95
 Approved by Commissioner: Ronald L. Otte Date: 2/1/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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DPS FISCAL ANALYSIS
SB 6

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This bill impacts the Division of Motor Vehicles by resulting to 4,750 updates to the driving record of the persons whose license is being suspended. One computer entry to add the suspension to the driving record; and another entry to end the suspension once the person has complied. Reinstating the driver's license will also impact the DMV field offices. The Motor Vehicle Representative will be required to see proof from the court that the person has complied with the court requirements by, appearing in court, or by paying the fine for the moving violation. It is estimated 90 percent of all persons whose license is suspended will reinstate their driving privilege. A \$100.00 reinstatement fee is charged anytime a person has had their license suspended or revoked within the 10 years preceding application for a driver's license. It is estimated 1,125 individual's will pay the \$100. If the license was suspended or revoked more than one time within the 10 years preceding application for a driver's license, the reinstatement fee is increased to \$250. It is estimated 1,125 will pay the \$250. A person will also have to pay a duplicate license fee of \$10 prior to the license being issued. The amount of additional new general fund program receipt revenue generated by this bill is approximately \$416.2

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Total number of suspension notices being ended when a person has complied with the courts	2,250
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	<u>FY 96</u>	<u>FY97</u>
<u>Personal Services</u>		
		<u>Salary and Benefits</u>
Administrative Clerk III (Juneau)	\$38.4	\$38.4
Motor Vehicle Representative II (Anchorage)	\$36.7	\$36.7
<u>Contractual</u>		
Computer line Charges (Mainframe connection) \$0.5 per workstation	\$1.0	\$1.0
Postage 1st class mail	\$0.8	\$0.8
Postage is for 2,500 courtesy letters informing the individual of the effective date of the license suspension.		
Telephone lease & line charges	\$1.1	\$1.1
Redesign and printing of traffic citations	\$5.8	
<u>Supplies</u>		
Routine office supplies	\$1.0	\$1.0
<u>Equipment</u>		
2 Computer Workstations @ \$10.0 each (One time costs)	\$20.0	
TOTAL	\$104.8	\$79.0

FISCAL NOTE

*Rev of Bill 2/11/95
Delivered to H.F. 5/10/95*

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 6 (CRA)

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...suspension of a driver's license for failure to
appear in court or failure to pay a fine..." BRU: Prosecution
 Sponsor: Senator Taylor Component: Third Judicial District
 Requester: Governor's Office/OME COMPONENT SERIAL NO. 0087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	51.4	51.4	51.4	51.4	51.4	51.4
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	12.0	12.0	12.0	12.0	12.0	12.0
SUPPLIES	3.3	3.3	3.3	3.3	3.3	3.3
EQUIPMENT	15.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	81.7	66.7	66.7	66.7	66.7	66.7

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	81.7	66.7	66.7	66.7	66.7	66.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	81.7	66.7	66.7	66.7	66.7	66.7

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS12.25.200 and AS 28.15.181 to provide that the court may suspend the driver's license, privilege to drive, or privilege to obtain a license of a person who fails to appear in court as required by citation for an offense involving a moving motor vehicle, or who fails to pay a fine as required by the court for an offense involving a moving motor vehicle. The Department of Law believes that 400 new cases will have to be handled by state prosecutors if this bill is enacted. That is because revocation of a driver's license as a penalty stemming from a criminal offense requires a jury trial on the underlying offense, as provided by the Alaska Supreme Court's ruling in Baker v. City of Fairbanks, 471 P.2d 386 (Alaska 1970). Consequently, state prosecutors will have to handle a large influx of one-day jury trials in district court.

The Alaska Court System estimates (based on 1994 data) that 20% of the 41,000 persons who are issued citations for moving violations each year fail to appear in court or fail to pay the fines resulting from those violations. Thus, about 8,000 persons fail to appear or pay a fine annually. It is conservatively estimated

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelhy, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 5/6/95
 Date: 5/6/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 6 (CRA)

ANALYSIS CONTINUATION:

that about 10% of these persons (or 800 or more defendants) will continue to avoid appearing in court, or avoid paying a fine, resulting in a one-day jury trial to enforce the license revocation provisions of the bill. We believe that about one-half of these trials (400) will involve citations issued by the Department of Public Safety, requiring prosecution by a state prosecutor.

Although these offenses occur throughout the state, and in many cases will have to be handled by the department's existing staff, an attorney and a legal secretary will be needed in Anchorage to handle the large number of one-day trials (150) that will occur in Southcentral Alaska. And, although these cases do not generally require very much time, their sheer volume and the time necessary to prepare for trial, will require one part-time attorney annually to handle this increased caseload.

	(PPT) <u>Attorney III</u>	(PPT) <u>Legal Secretary I</u>	<u>Total</u>
Personal Services	34.6	16.8	51.4
Travel	0.0	0.0	0.0
Contractual	7.2	4.8	12.0
Supplies	2.1	1.2	3.3
Equipment	<u>6.5</u>	<u>8.5</u>	<u>15.0</u>
Total	50.4	31.3	81.7

03/069 ATTORNEY III F ANCHORAGE A XE AA 22A 12 53304 0 10305 71609.98

*** JUSTIFICATION:

This position will be needed to handle several hundred misdemeanor actions that will occur if alcohol or drug related offenses, now being handled administratively by the Division of Family and Youth Services, are moved to the District court for prosecution by state prosecutors.

TRAVEL COSTS	0.00
CONTRACTUAL COSTS	8600.00
SUPPLIES COSTS	3300.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00
=====	
TOTAL COSTS	90009.98 71609.98

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 71609.98

TOTAL FUNDING 71609.98

03/070 LEGAL SECRETARY I F ANCHORAGE A GG 2A 10A 12 25140 0 11403 36603.52

**** JUSTIFICATION:

This position will be needed to handle several hundred misdemeanor actions that will occur if alcohol or drug related offenses, now being handled administratively by the Division of Family and Youth Services, are moved to the District court for prosecution by state prosecutors.

TRAVEL COSTS	0.00
CONTRACTUAL COSTS	6000.00
SUPPLIES COSTS	2400.00
EQUIPMENT COSTS	8500.00
OTHER COSTS	0.00
=====	
TOTAL COSTS	53500.52 36603.52

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 36603.52

TOTAL FUNDING 36603.52

03/073 ATTORNEY III P ANCHORAGE A XE AA 22A 6 26652 0 7917 34569.32

**** JUSTIFICATION:

If enacted, this bill will require the Department of Law to handle 400 one-day jury trials to enforce driver's license revocation penalties for persons who fail to appear in court, or fail to pay a fine resulting from a moving violation citation. Because the majority of these trials will occur in Anchorage and the surrounding areas, this position will be needed in Anchorage to handle these trials.

TRAVEL COSTS	0.00
CONTRACTUAL COSTS	7200.00
SUPPLIES COSTS	2100.00
EQUIPMENT COSTS	6500.00
OTHER COSTS	0.00
=====	
TOTAL COSTS	50369.32 34569.32

*** FUNDING DETAIL:

100% GENERAL FUND RECEIPTS 34569.32

TOTAL FUNDING 34569.32

03/02/95

11:16:42.6

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 3

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

DEPARTMENT OF LAW

SCENARIO: 2

BRU NAME: PROSECUTION

PCN	UNAUTN PCN	JOB CLASS TITLE	T S	LOCATION NAME	R D S C U	R&S MOS BUDG	SALARY	PREM PAY	DERES	PER.SERV. COSTS	G. F. AMOUNT
3/074		LEGAL SECRETARY I	P	ANCHORAGE	A GG 2A 10A	6	12370	0	4304	16762.25	

*** JUSTIFICATION:

If enacted, this bill will require the Department of Law to handle 400 one-day jury trials to enforce driver's license revocation penalties for persons who fail to appear in court, or fail to pay a fine resulting from a moving violation citation. Because the majority of these trials will occur in Anchorage and the surrounding areas, this position will be needed in Anchorage to handle these trials.

TRAVEL COSTS	0.00	
CONTRACTUAL COSTS	4800.00	
SUPPLIES COSTS	1200.00	
EQUIPMENT COSTS	8500.00	
OTHER COSTS	0.00	
TOTAL COSTS	31262.25	16762.25

*** FUNDING DETAIL:
1004 GENERAL FUND RECEIPTS 16762.25

TOTAL FUNDING 16762.25

*** COMPONENT TOTALS:

FULL TIME NEW POSITIONS 5
PART TIME/SEASONAL NEW POSITIONS 3
NON PERMANENT NEW POSITIONS 0
OTHER..... 0
=====

TOTAL PERSONAL SERVICES 385675.52
TOTAL COSTS INC. ASSOZ COSTS 526175.52

NUMBER OF NEW POSITIONS IN COMPONENT: 8

FUNDING DATA: G.F. & G.F. MATCH: 305675.52
OTHER FUNDS 0.00
=====

TOTAL FUNDING: 305675.52

9-LS0091\NC-
Ford
3/16/95

CS FOR SENATE BILL NO. 6()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS TAYLOR, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to suspension of a driver's license for failure to appear in court
2 or failure to pay a fine; and relating to citations and court procedures for
3 municipal traffic and parking offenses."

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

5 * Section 1. PURPOSE AND INTENT OF SECTION 4. The purpose of sec. 4 of this Act
6 is to create a mechanism to enforce citations issued for offenses involving a moving motor
7 vehicle. It is the intent of the legislature that after a person has made a required court
8 appearance or paid a fine required by the court, that any driver's license suspension imposed
9 by the court be terminated as quickly as possible.

10 * Sec. 2. AS 12.25.200(b) is amended to read:

11 (b) A citation issued under AS 12.25.180 must indicate the amount of bail or
12 fine applicable to the offense, the procedure a person must follow in responding to the
13 citation. [AND] that if the person fails to pay the bail or fine the person must appear
14 in court, and that failure to pay the bail or fine or appear in court for an offense

1 involving a moving motor vehicle may result in suspension of the person's driver's
2 license, privilege to drive, or privilege to obtain a license. In addition, a citation
3 must indicate that the person has a right to

- 4 (1) a trial;
5 (2) engage counsel;
6 (3) confront and question witnesses;
7 (4) testify; and
8 (5) subpoena witnesses on the person's behalf.

9 * Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

10 (h) A municipality may not

11 (1) issue a citation for a traffic offense unless the citation complies with
12 the provisions of AS 12.25.200;

13 (2) enact a parking citation trial or appeal process unless the trial or
14 appeal process and fees charged for it are substantially similar to the applicable trial
15 or appeal process adopted by the Alaska Supreme Court or imposed by law; or

16 (3) issue a citation for a traffic offense unless the citation is issued by
17 a peace officer; this paragraph does not apply to a citation issued for a parking
18 violation; in this paragraph, "parking violation" means a violation of law relating to
19 the space occupied by a motor vehicle and does not include another violation of law.

20 * Sec. 4. AS 28.15.181 is amended by adding a new subsection to read:

21 (h) The court may suspend the driver's license, privilege to drive, or privilege
22 to obtain a license of a person who fails to appear in court as required by a citation
23 for an offense involving a moving motor vehicle, or who fails to pay a fine as required
24 by the court for an offense involving a moving motor vehicle. If the court suspends
25 a driver's license under this subsection, the court shall also provide notice of the
26 suspension to the department. A suspension imposed under this subsection remains
27 in effect until the person appears in court as required by the citation, or pays the fine
28 as required by the court. When the person appears in court or pays the required fine,
29 the court shall terminate the suspension imposed under this subsection and provide the
30 department and the person with written notice of the termination.

Page 2
Line 14 After "similar"

Or, in Municipalities with a
population in excess of
50,000, identical

FISCAL NOTES

SB 6 - REGISTRATION OF MOTOR VEHICLE & SUSPENSION OF DRIVERS
LICENSE

<u>NO.</u>	<u>DEPT.</u>	<u>DATE</u>	<u>SB6</u>	<u>CSSB 6</u>
1.	PS Motor Vehicles	2/1/95	104.8	<i>replaced by #4</i>
2.	PS Troopers	2/1/95	-0-	
3.	COURT	2/2/95	7.2	
<i>71.1</i> NEW	PS	3/10/95	114.6	
<i>11.5</i> NEW	CORR	3/21/95		38.0
TOTAL			226.6	38.0

226.6

Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



State Capitol
Juneau, Alaska 99801-1182
(907) 465-3873
Fax: (907) 465-3922

352 Front Street
Ketchikan, Alaska 99901
(907) 225-8088
Fax: (907) 225-0713

Senator Robin L. Taylor

MEMORANDUM

TO: Larry Stevens
FROM: Joe Ambrose
DATE: 3/27/95
REF: Draft CS for SB 6 (Version 0091\F

The attached CS was drafted at the request of Sen. Frank. The major change from the last version is the language on page 2 at line 7 and the new section on page 2 at line 28.

Senator Taylor has no objection if Senator Frank decides to offer this amended CS.

Thanks for your help.

9-LS0091\F
Ford
3/25/95

CS FOR SENATE BILL NO. 6()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS TAYLOR, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to suspension of a driver's license for failure to appear in court
2 or failure to pay a fine; relating to court and collection costs for traffic offenses;
3 and relating to citations and court procedures for municipal traffic and parking
4 offenses."

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

6 * Section 1. PURPOSE AND INTENT OF SECTION 5. The purpose of sec. 5 of this Act
7 is to create a mechanism to enforce citations issued for offenses involving a moving motor
8 vehicle. It is the intent of the legislature that after a person has made a required court
9 appearance or paid a fine required by the court, that any driver's license suspension imposed
10 by the court be terminated as quickly as possible.

11 * Sec. 2. AS 12.25.200(b) is amended to read:

12 (b) A citation issued under AS 12.25.180 must indicate

13 (1) the amount of bail or fine applicable to the offense;

14 (2) [,] the procedure a person must follow in responding to the citation;

1 (3) [, AND] that if the person fails to pay the bail or fine the person
2 must appear in court;

3 (4) that failure to pay the bail or fine or appear in court for an
4 offense involving a moving motor vehicle may result in

5 (A) suspension of the person's driver's license, privilege to
6 drive, or privilege to obtain a license; or

7 (B) attachment of the person's permanent fund dividend to
8 pay the fine plus court and collection costs under AS 28.05.155; and

9 (5) [. IN ADDITION, A CITATION MUST INDICATE] that the
10 person has a right to

11 (A) [(1)] a trial;

12 (B) [(2)] engage counsel;

13 (C) [(3)] confront and question witnesses;

14 (D) [(4)] testify; and

15 (E) [(5)] subpoena witnesses on the person's behalf.

16 * Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

17 (h) A municipality may not

18 (1) issue a citation for a traffic offense unless the citation complies with
19 the provisions of AS 12.25.200;

20 (2) enact a parking citation trial or appeal process unless the trial or
21 appeal process and fees charged for it are substantially similar to the applicable trial
22 or appeal process adopted by the Alaska Supreme Court or imposed by law; or

23 (3) issue a citation for a traffic offense unless the citation is issued by
24 a peace officer; this paragraph does not apply to a citation issued for a parking
25 violation; in this paragraph, "parking violation" means a violation of law relating to
26 the space occupied by a motor vehicle and does not include another violation of law.

27 * Sec. 4. AS 28.05 is amended by adding a new section to read:

28 Sec. 28.05.155. COURT AND COLLECTION COSTS. If a person's
29 permanent fund dividend is attached to pay the bail or fine for an offense involving
30 a moving motor vehicle, the court shall increase the bail or fine of that person by at
31 least

1 (1) \$25 for court costs; and

2 (2) \$10 for collection costs.

3 * Sec. 5. AS 28.15.181 is amended by adding a new subsection to read:

4 (h) The court may suspend the driver's license, privilege to drive, or privilege
5 to obtain a license of a person who fails to appear in court as required by a citation
6 for an offense involving a moving motor vehicle, or who fails to pay a fine as required
7 by the court for an offense involving a moving motor vehicle. If the court suspends
8 a driver's license under this subsection, the court shall also provide notice of the
9 suspension to the department. A suspension imposed under this subsection remains
10 in effect until the person appears in court as required by the citation, or pays the fine
11 as required by the court. When the person appears in court or pays the required fine,
12 the court shall terminate the suspension imposed under this subsection and provide the
13 department and the person with written notice of the termination.

MEMORANDUM

ANCHORAGE PARKING AUTHORITY

TO: Members of the Senate Finance Committee

FROM: Ernie Hall, Chairman of the Board 

SUBJECT: SB 6

DATE: March 23, 1995

Recently, the Senate Finance Committee considered two changes to SB 6 which I believe that, with this additional information, you'll wish to reconsider.

a. Section 2. was removed. This section would provide local government with the ability to assure that if a citizen ignores payment for fines for parking violations, a vehicle registration will not be renewed until such obligations are satisfied. The local government would have to reimburse DMV for costs associated with the program. Putting this section back in will help assure that laws are obeyed, that violators pay for the cost of enforcement and that other citizens not subsidize enforcement of those who refuse to pay fines. If the Legislature is seeking ways of having state and municipal governments survive our fiscal challenges, this section would play a small but important part in achieving that goal. If the Legislature feels more comfortable in increasing the number of violations from 3 to 4, or to 5 (i.e. This seems more reasonable), the concept would be intact and still acceptable.

b. Sen. Donley amendment. The Senator proposed a well intended amendment which would, however, remove from municipal government the right to enforce vehicle registration violations for parked vehicles with code enforcement officers and require that only "peace" officers issue such citations. Reconsidering this amendment would be in the public interest, as its passage is projected to have the following negative impacts:

1. It is estimated that only 1% of the registration display violations in Anchorage currently being cited would be cited by APD in the future; their priorities are life/safety issues, not vehicle registration laws; and

Page Two

2. that about 10,000 fewer vehicles in Anchorage (more statewide) per year will register; and

3. that many thousands more vehicles in Anchorage/statewide will not display current registration, even if it is timely purchased, with public safety connotations; and

4. that State and municipal governments could receive less DMV collected registration revenue due to declining registration; and

5. that since efficient and low cost code enforcement of registration law is the single most important incentive for I/M inspection, air quality in the Anchorage bowl and elsewhere could be diminished, with impact on EPA enforcement and potential withdrawal of Federal funding; and

6. that such action will adversely affect Anchorage's pledge to parking garage bond holders.

I respectfully recommend reinstatement of Section 2 (for 4 or more repeat violations for a given vehicle) and withdrawal of Sen. Donley's amendment (Section 3. in the CS).

Thank you for your consideration; APA's management and I stand ready to answer questions which the Members may have.

**cc: Dave Harbour, APA Executive Director (276-8970)
APA Board of Directors**

MAR. -23' 95 (THU) 13:36 ANCH PARK AUTHORITY

TEL: 907 2795073

P. 002

TO: Senate Finance Committee
FROM: Anchorage Assembly Member Bob Bell
SUBJECT: SB 6
DATE: March 23, 1995

The Senate Finance is about to act on an amendment to SB 6 which concerns me: it requires citations written for registration violations to be issued by peace officers.

I assume that some of the encouragement for this action could be the fair amount of press Legislators see regarding the APA. Indeed, APA is an extremely inviting political target. I would hope that the Legislature could appreciate that local Assemblies are closer to the local enforcement needs of the community than is the Legislature. Beginning last Fall, the Assembly began a series of public hearings on parking enforcement policies lasting for more than 25 hours in total. At the end of that process we modified APA powers and parking policies in a way which best meets the needs of Anchorage. Who writes tickets, whether it is the local police or local code enforcement officers should be decided by the local government.

I know you don't intend this, but if these items are approved, you'll, in effect, be passing on "UNFUNDED PARKING ENFORCEMENT MANDATES" to local communities, at least to Anchorage, as follows:

1. Fewer folks will register their vehicles, since enforcement will be only a fraction of its current level, and
2. MOA will get less registration revenue from DMV, and
3. APA could default on its parking garage bonds and MOA taxpayers would likely have to pick up the costs, and
4. the MOA would still have to enforce registration laws, but at a much higher cost to taxpayers, and
5. even though I'm not a fan of EPA, it concerns me that if we have less conformity with I/M laws we're jeopardizing the Federal funds Anchorage receives.

Accordingly, I recommend that the amended bill be modified as indicated on the attached page. I am sure that the MOA administration shares my concern and have suggested that they immediately forward their position to you as well.

WORK DRAFT

WORK DRAFT

WORK DRAFT

1 involving a moving motor vehicle may result in suspension of the person's driver's
2 license, privilege to drive, or privilege to obtain a license. In addition, a citation
3 must indicate that the person has a right to

- 4 (1) a trial;
- 5 (2) engage counsel;
- 6 (3) confront and question witnesses;
- 7 (4) testify; and
- 8 (5) subpoena witnesses on the person's behalf.

9 * Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

10 (h) A municipality may not

- 11 (1) issue a citation for a traffic offense unless the citation complies with
- 12 the provisions of AS 12.25.200;
- 13 (2) enact a parking citation trial or appeal process unless the trial or
- 14 appeal process and fees charged for it are substantially similar to the applicable trial
- 15 or appeal process adopted by the Alaska Supreme Court or imposed by law; or
- 16 (3) issue a citation for a traffic offense unless the citation is issued by
- 17 a peace officer; this paragraph does not apply to a citation issued for a parking
- 18 violation; in this paragraph, "parking violation" means a violation of law relating to
- 19 the space occupied by a motor vehicle and does not include another violation of law.

20 * Sec. 4. AS 28.15.181 is amended by adding a new subsection to read:

21 (h) The court may suspend the driver's license, privilege to drive, or privilege
22 to obtain a license of a person who fails to appear in court as required by a citation
23 for an offense involving a moving motor vehicle, or who fails to pay a fine as required
24 by the court for an offense involving a moving motor vehicle. If the court suspends
25 a driver's license under this subsection, the court shall also provide notice of the
26 suspension to the department. A suspension imposed under this subsection remains
27 in effect until the person appears in court as required by the citation, or pays the fine
28 as required by the court. When the person appears in court or pays the required fine,
29 the court shall terminate the suspension imposed under this subsection and provide the
30 department and the person with written notice of the termination.

9-LS0091VC-
Ford
3/16/95

CS FOR SENATE BILL NO. 6()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS TAYLOR, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to suspension of a driver's license for failure to appear in court
2 or failure to pay a fine; and relating to citations and court procedures for
3 municipal traffic and parking offenses."

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

5 * Section 1. PURPOSE AND INTENT OF SECTION 4. The purpose of sec. 4 of this Act
6 is to create a mechanism to enforce citations issued for offenses involving a moving motor
7 vehicle. It is the intent of the legislature that after a person has made a required court
8 appearance or paid a fine required by the court, that any driver's license suspension imposed
9 by the court be terminated as quickly as possible.

10 * Sec. 2. AS 12.25.200(b) is amended to read:

11 (b) A citation issued under AS 12.25.180 must indicate the amount of bail or
12 fine applicable to the offense, the procedure a person must follow in responding to the
13 citation, [AND] that if the person fails to pay the bail or fine the person must appear
14 in court, and that failure to pay the bail or fine or appear in court for an offense

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2 license, privilege to drive, or privilege to obtain a license. In addition, a citation
3 must indicate that the person has a right to

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- 7 (4) testify; and
- 8 (5) subpoena witnesses on the person's behalf.

9 * Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

10 (h) A municipality may not

- 11 (1) issue a citation for a traffic offense unless the citation complies with
12 the provisions of AS 12.25.200;
- 13 (2) enact a parking citation trial or appeal process unless the trial or
14 appeal process and fees charged for it are substantially similar to the applicable trial
15 or appeal process adopted by the Alaska Supreme Court or imposed by law; or
- 16 (3) issue a citation for a traffic offense unless the citation is issued by
17 a peace officer; this paragraph does not apply to a citation issued for a parking
18 violation; in this paragraph, "parking violation" means a violation of law relating to
19 the space occupied by a motor vehicle and does not include another violation of law.

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22 to obtain a license of a person who fails to appear in court as required by a citation
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24 by the court for an offense involving a moving motor vehicle. If the court suspends
25 a driver's license under this subsection, the court shall also provide notice of the
26 suspension to the department. A suspension imposed under this subsection remains
27 in effect until the person appears in court as required by the citation, or pays the fine
28 as required by the court. When the person appears in court or pays the required fine,
29 the court shall terminate the suspension imposed under this subsection and provide the
30 department and the person with written notice of the termination.

Note

TO: Larry
FROM: Kathy
DATE: March 21, 1995
RE: CSSB 6 - LICENSING/REGISTRATION SUSPENSION/DENIAL

Received a phone call this morning from Jerry Shriner at Dept. of Corrections regarding the department note for CSSB 6. He advised that the department is preparing a \$38.0 fiscal note that assumes approximately 100 people will be sentenced to minimum time (10 days in a CRC) for a second offense of driving without a license. The note has not yet been signed by the Commissioner or submitted to the Governor's legislative office for review. We will not receive it this morning.

Larry, I asked Mr. Shriner about Senator Halford's concern that those charged with DWLS by reason of a DWI and those charged with DWLS for failure to pay court fines would be swept up together and no distinction would be made between the two. Mr. Shriner said that Margot Knuth from the department of law briefly reviewed the bill and felt that a distinction would be made. He admitted, however, that Margot's review was extremely cursory, and she would prefer not to be held to that initial impression.

My notes from the March 17 meeting on CSSB 6 indicate Juanita Hensley testified that DWLS carries a 10-day jail sentence with 10 days suspended in exchange for 80 hours of community service.

3-17-95
4:25 p.m.

Larry -

Phoned Jerry Shriner at DOC and requested a DOC fiscal note based on draft C55B6 dated 3/16/95. Faxed him a copy of the draft, and noted that bill could come back before Finance as early as Tuesday. Requested that he give me a call Monday, p.m., to advise of progress.

Kathy
2018

A FAX

Alaska State Legislature

Filed again 3/20/95

Date: 3/17/95

To: Jerry Shriner

Fax#: 3390 Phone#: 4640

From: Robby, Senate Finance

Phone#: 2618

Re: CS5B6

Fiscal Note - Dept. of Corrections

Following this page, please find 2 pages(s). If this does not reach you in full, please inform us ASAP.



THANK YOU.

CS FOR SENATE BILL NO. 6()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS TAYLOR, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to suspension of a driver's license for failure to appear in court
2 or failure to pay a fine; and relating to citations and court procedures for
3 municipal traffic and parking offenses."

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

5 * Section 1. PURPOSE AND INTENT OF SECTION 4. The purpose of sec. 4 of this Act
6 is to create a mechanism to enforce citations issued for offenses involving a moving motor
7 vehicle. It is the intent of the legislature that after a person has made a required court
8 appearance or paid a fine required by the court, that any driver's license suspension imposed
9 by the court be terminated as quickly as possible.

10 * Sec. 2. AS 12.25.200(b) is amended to read:

11 (b) A citation issued under AS 12.25.180 must indicate the amount of bail or
12 fine applicable to the offense, the procedure a person must follow in responding to the
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- 5 (2) engage counsel;
- 6 (3) confront and question witnesses;
- 7 (4) testify; and
- 8 (5) subpoena witnesses on the person's behalf.

9 * Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

10 (h) A municipality may not

11 (1) issue a citation for a traffic offense unless the citation complies with
12 the provisions of AS 12.25.200;

13 (2) enact a parking citation trial or appeal process unless the trial or
14 appeal process and fees charged for it are substantially similar to the applicable trial
15 or appeal process adopted by the Alaska Supreme Court or imposed by law; or

16 (3) issue a citation for a traffic offense unless the citation is issued by
17 a peace officer; this paragraph does not apply to a citation issued for a parking
18 violation; in this paragraph, "parking violation" means a violation of law relating to
19 the space occupied by a motor vehicle and does not include another violation of law.

20 * Sec. 4. AS 28.15.181 is amended by adding a new subsection to read:

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26 suspension to the department. A suspension imposed under this subsection remains
27 in effect until the person appears in court as required by the citation, or pays the fine
28 as required by the court. When the person appears in court or pays the required fine,
29 the court shall terminate the suspension imposed under this subsection and provide the
30 department and the person with written notice of the termination.

SB6 DOC F/W ?

Unintended consequence

DWLS -

Is there distinction
between those

DWLS because they did
not pay fines.

†
DWLS for DWI ?

SR - Could DWLS/fines fall
under day-fine arrangement?

DPS says

DWLS carries 10 days with

⑩ days suspended and

80 hrs. community work service.

FISCAL NOTES

**SB 6 - REGISTRATION OF MOTOR VEHICLE & SUSPENSION OF DRIVERS
LICENSE**

<u>NO.</u>	<u>DEPT.</u>	<u>DATE</u>	<u>SB6</u>	<u>CSSB 6</u>
1.	PS Motor Vehicles	2/1/95	104.8	
2.	PS Troopers	2/1/95	-0-	
3.	COURT	2/2/95	7.2	
NEW	PS	3/10/95	114.6	
NEW	CORR	3/21/95		38.0
TOTAL			<hr/> 226.6	<hr/> 38.0

Alaska State Legislature

FEB 23 1995

During Interim

116 West 4th Avenue, Suite 500
Anchorage, Alaska 99501-2133
(907) 258-8185
Fax (907) 258-0226




During Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-4993
Fax (907) 465-3872

Drue Pearce
President of the Senate

Memorandum

To: All Senators

From: Senator Drue Pearce 
PRESIDENT OF THE SENATE

Date: 21 February, 1995

Re: Fiscal Note Requests

In past years, back up and appropriate fiscal notes have been requested from the bill sponsor, by the committee, before a bill would be considered for scheduling. This has caused the departments some unnecessary and time-consuming work. Frankly, there is no overriding need for a fiscal note before a bill is scheduled.

Thus, Pat Pourchot and I have agreed on the following procedure and I am requesting that committee chairs revise their fiscal note policy.

The bill sponsor will still be expected to provide the committee with appropriate back up. However, fiscal notes will only be required once a bill is scheduled. Thus, on Thursdays, after schedules are published, it will be incumbent on committee aides to contact the appropriate departments for fiscal notes.

If the departments do not have them by the close of business the day before they are to be heard, committees will be authorized to write their own fiscal notes.

If you have any questions or comments concerning this request please contact Stephanie Szymanski, of my staff, at 465-4993.

A M E N D M E N T

OFFERED IN THE SENATE
TO: SB 6

BY SENATOR DONLEY

1 Page 1, line 1:

2 Delete "and"

3 Insert ";

4 Page 1, line 2, after "fine":

5 Insert ", and to citations, fines, and court procedures for municipal traffic
6 offenses'

7 Page 2, after line 3:

8 Insert a new bill section to read:

9 "* Sec. 3. AS 28.01.010 is amended by adding a new subsection to read:

10 (h) A municipality may not

11 (1) issue a citation for a traffic offense unless the citation complies
12 with the provisions of AS 12.25.200;

13 (2) impose a fine for a ^{Parking} ~~traffic~~ offense if a fine for that offense is also
14 imposed under state law or regulations and the municipal fine exceeds the amount
15 imposed for that offense under state law or regulations;

16 (3) enact a ^{parking} ~~traffic~~ citation trial or appeal process unless the trial or
17 appeal process and fees charged for it are substantially similar to the applicable trial
18 or appeal process adopted by the Alaska Supreme Court or ~~State law~~ ^{State law}; or

19 (4) issue a citation for a violation that is not related to parking unless
20 the citation is issued by a peace officer."

21 Renumber the following bill section accordingly.

Alaska State Legislature

FEB 13 1995

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



Senator Robin L. Taylor

State Capitol
Juneau, Alaska 99801-4182
907-465-3873
Fax: 907-465-3922

352 Front Street
Ketchikan, Alaska 99901
907-225-8088
Fax: 907-225-0715

MEMORANDUM

TO: Senator Rick Halford, Co-Chairman
Senate Finance Committee

FROM: Senator Robin L. Taylor ^{RLT.}

DATE: 2/13/95

REF: Hearing Requests

Please consider this to be my formal request for hearings at your earliest convenience on the following bills:

- * Senate Bill 6 - Licensing/Registration Suspension/Denial
- * Senate Bill 39 - Memorial Scholarship Loans

Thank you for your consideration.

SENATE COMMITTEE REPORT

DATE: 2/3/95

FURTHER:

has no further

DATE TURNED INTO OFFICE: 2-8-95

JWR

Judiciary Committee considered SENATE BILL NO. 6

"An Act relating to registration of a motor vehicle and suspension of a driver's license for failure to appear in court or failure to pay a fine."

*FN
Φ FN*

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
same title
new title
House Bill:
technical change
new: SCR# _____

SIGNING WITH RECOMMENDATIONS:	DP	DNP	NR	AM
<i>Mike Miller</i> NR NR (2)			✓	
<i>Al Adams</i> DNP (3) DNP		X		
<i>Lynn Green</i> NR NR (2)			✓	
<i>My Elms</i> DNP (3) DNP		X		
CHAIR: <i>Adrian Taylor</i> (1)	✓			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Alaska Court System</i>	<i>2/2/95</i>		<i>7.2</i>

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal	Fy96
<i>DPS / DMV</i>	<i>2/1/95</i>			<i>104.8</i>
<i>DPS / Troopers</i>	<i>2/1/95</i>	✓		

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/16/95

FURTHER: Judiciary

June

Date of 5-Day Notice: 1/26/95
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-2-95

State Affairs Committee considered SB 6

"An Act relating to registration of a motor vehicle and suspension of a driver's license for failure to appear in court or failure to pay a fine."

FR + 9 Feb's

and recommends:

be replaced with _____ CS _____

adopt previous _____ CS _____

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

technical change

new: SCR# _____

SIGNING WITH RECOMMENDATIONS: <i>ALL DP</i>	DP	DNP	NR	AM
<i>Tom A. Luman</i>	✓			
<i>Bill E. Reed</i>	✓			
<i>Walter J. Wiley</i>	✓			
CHAIR: <i>Bob Sharp</i>	✓			

NEW FISCAL NOTE(S): *5/96*
Department Date Zero Fiscal

Department	Date	Zero	Fiscal
<i>OPS / DMV</i>	<i>2/1/95</i>		<i>104.8</i>
<i>OPS / TROOPERS</i>	<i>2/1/95</i>	✓	

PREVIOUS FISCAL NOTE(S):*
Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

DRAFT
BILL NO. CS SB 6 |

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to suspension of a driver's license BRU: community corrections
 Component: _____
 Sponsor: Sen. Taylor
 Requester: Senate Finance COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	38.0	38.0	38.0	38.0	38.0	38.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	38.0	38.0	38.0	38.0	38.0	38.0

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

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

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF	38.0	38.0	38.0	38.0	38.0	38.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	38.0	38.0	38.0	38.0	38.0	38.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would add failure to pay bail or fines related to moving traffic violations to the list of offenses for which driving privileges could be suspended. Under AS 28.15.291, upon a second conviction of driving a motor vehicle while the defendant's driving privileges have been suspended under AS 28.15.181 could result in a ten day jail sentence. The DOC does not supervise misdemeanor probation or community work service imposed in misdemeanor cases.

The language of related statutes allows considerable discretion to the court and the prosecutor with this offense and it is impossible to accurately predict how many individuals would receive additional time to serve due to the provisions of this bill. These offenders would serve their sentence in a CRC.

Each person who was sentenced to ten days for a second condition would serve 6.67 days at a cost of \$57.00 per day in a CRC for a total cost of \$0.380 per offender. One hundred offenders would result in an additional cost of \$38.0 annually.

Prepared by: Jerry Shriner Phone: 465-4640
 Division: _____ Date: 3/21/95
 Approved by Commissioner: Wayne H. Pugh Date: 3/21/95
 Agency: Department of Corrections

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SB

7

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/9/95

FURTHER:

REPORT NUMBER OF
3-23-95

DATE TURNED INTO OFFICE: 3-23-95

The Finance Committee considered SENATE BILL NO. 7

"An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions."

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical change

new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Kue</i>	✓	<i>Paul H. Zang</i>	✓		
<i>Debbie Kelly</i>	✓	<i>Bob King</i>	✓		
<i>David Douley</i>	✓				
Co-Chair: <i>Donna</i>	✓				
Co-Chair: <i>Rick Halford</i>	✓				

NEW FISCAL NOTE(S)

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
DNA	3/7/95	0	
DPS (COU+SA)	2/10/95	0	
DPS (troopers)	2/10/95	0	
DOLaw	1/31/95	0	
DOC	2/2/95	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 5

Bill Version: SB 7

BIL (S) Publish Date: 3/9/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act related to bail... BRU: Statewide Operations
 Component: All Institutions
 Sponsor: Sen. Salo
 Requester: Sen. Salo COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The number of individuals who would be held under this legislation who would not have otherwise been held will be quite small and no impact is calculated.

Prepared by: Jerry Shriner Phone: 465-4640
 Division: Commissioner's Office Date: 2/8/95
 Approved by Commissioner: *William W. Pugh* Date: 2/8/95
 Agency: Department of Corrections

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FISCAL NOTE

No. 4

Bill Version: SB 7

B (S) Publish Date: 3/9/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...bail after conviction...if defendant has certain BRU: Prosecution
previous felony convictions." Component: All
 Sponsor: Senator Salo
 Requester: Senator Salo COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would prohibit bail after conviction and before sentencing or pending appeal if the person has been convicted of an offense that is an unclassified or a class A felony; or a class B or class C felony if the person has been previously convicted of an offense that is an unclassified felony, a class A felony, or stalking in the first degree, sexual assault in the second or third degrees, and sexual abuse of a minor in the second or third degrees. In most cases, courts usually deny bail under these circumstances. However, the bill removes the courts' existing authority to grant bail in these circumstances. In any event, these are sentencing provisions that occur after conviction and, consequently, there will not be a fiscal impact for the Department of Law.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/31/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: No. 3
Bill Version: SB7
(S) Publish Date: 3/9/95

Revision Date: _____ Dept. Affected: Public Safety
Title: "An Act relating to bail after conviction
for various felonies, if previous convictions exist." BRU: Alaska State Troopers
Sponsor: Senator Salo Component: Detachments
Requestor: (S) Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () <small>Revenue Code</small>	-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-

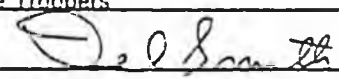
Estimate of current year (FY 95) impact: \$ -0-

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.)

No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5591
Division: Alaska State Troopers Date: 01/26/95
Approved by Commissioner:  Date: 2/10/95
Agency: Ronald L. Orre, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 2

BILL NO:

Bill Version: SB 7

(S) Publish Date: 3/9/95

Revision Date: February 7 1995

Dept. Affected: Public Safety

Title: No bail for felons with prior felony convictions

BRU: Council on Domestic Violence & Sexual Assault

Component: Council on Domestic Violence & Sexual Assault

Sponsor: Senator Salo

Requestor: (S) Judiciary

COMPONENT SERIAL NO. 0521

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-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						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ 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.)

Section 1 establishes the intent of the legislature to restrict the availability of bail after the conviction for certain felons.

Section 2 expands AS 12.30.040 (b) which currently prohibits bail following conviction pending sentencing or appeal when the felony is an unclassified felony or a Class A felony. This bill would add the bail prohibition to include current convictions of a class b or class c felony when the felon has committed prior unclassified or class A offenses, or has been convicted of the specific crimes against persons of stalking, sexual assault in the second and/or third degree, and sexual assault of a minor in the second and/or third degree.

There is no fiscal impact for the Council on Domestic Violence & Sexual Assault

Prepared By: Jayne E. Andreen Phone: 465-4356

Division: Council on Domestic Violence and Sexual Assault Date: 2/9/95

Approved by Commissioner: *[Signature]* Date: 2/10/95

Agency: Ron Otte, Dept. of Public Safety

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FISCAL NOTE

No. 1
 Bill Version: SB7
 (S) Publish Date: 3/9/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions."
 Sponsor: Sen. Salo
 Requestor: (S) JUD

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

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	

CAPITAL EXPENDITURES	0	0	0	0	0	
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CHANGE IN REVENUES ()	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						
TOTAL	0.0	0.0	0.0	0.0	0.0	

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 3/9/95

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2/23/94
(S)JUD,
FIN

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SP 7 | 1

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act related to bail... BRU: Statewide Operations
 Component: All Institutions
 Sponsor: Sen. Salo
 Requester: Sen. Salo COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The number of individuals who would be held under this legislation who would not have otherwise been held will be quite small and no impact is calculated.

Prepared by: Jerry Shriner
 Division: Commissioner's Office
 Approved by Commissioner: Margaret M. Pelt
 Agency: Department of Corrections

Phone: 465-4640
 Date: 2/8/95
 Date: 2/8/95

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587

#4 213195
(S) JUD
THEN FIN

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 7

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...bail after conviction...if defendant has certain BRU: Prosecution
previous felony convictions." Component: All
 Sponsor: Senator Salo
 Requester: Senator Salo COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would prohibit bail after conviction and before sentencing or pending appeal if the person has been convicted of an offense that is an unclassified or a class A felony; or a class B or class C felony if the person has been previously convicted of an offense that is an unclassified felony, a class A felony, or stalking in the first degree, sexual assault in the second or third degrees, and sexual abuse of a minor in the second or third degrees. In most cases, courts usually deny bail under these circumstances. However, the bill removes the courts' existing authority to grant bail in these circumstances. In any event, these are sentencing provisions that occur after conviction and, consequently, there will not be a fiscal impact for the Department of Law.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/31/95
 Approved by Commissioner: Bruce M. Botelho Attorney General Date: 1/31/95
 Agency: Department of Law

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SB 7

#3 2/23/95
(S)JUD,
FIN

FISCAL NOTE

STATE OF ALASKA

BILL NO: SB 7

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to bail after conviction for various felonies, if previous convictions exist." BRU: Alaska State Troopers
 Sponsor: Senator Salo Component: Detachments
 Requestor: (S) Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-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-

537

Estimate of current year (FY 95) impact: \$ -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.)
 No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/26/95
 Approved by Commissioner: [Signature] Date: 2/11/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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#2 2123195
(S) JUD, FIN

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: SB 7

Revision Date: February 7, 1995 Dept. Affected: Public Safety
 Title: No bail for felons with prior felony convictions BRU: Council on Domestic Violence & Sexual Assault
 Component: Council on Domestic Violence & Sexual Assault
 Sponsor: Senator Salo
 Requestor: (S) Judiciary COMPONENT SERIAL NO. 0521

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

SB 7

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-

Estimate of current year (FY 95) impact: \$ 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.)

Section 1 establishes the intent of the legislature to restrict the availability of bail after the conviction for certain felons.

Section 2 expands AS 12.30.040(b) which currently prohibits bail following conviction pending sentencing or appeal when the felony is an unclassified felony or a Class A felony. This bill would add the bail prohibition to include current convictions of a class b or class c felony when the felon has committed prior unclassified or class A offenses, or has been convicted of the specific crimes against persons of stalking, sexual assault in the second and/or third degree, and sexual assault of a minor in the second and/or third degree.

There is no fiscal impact for the Council on Domestic Violence & Sexual Assault.

Prepared By: Jayne E. Andreen Phone: 465-4356
 Division: Council on Domestic Violence and Sexual Assault Date: 2/9/95
 Approved by Commissioner: [Signature] Date: 2/10/95
 Agency: Ron Otte, Dept. of Public Safety

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#1 317195
(S)JUD, FIN

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 7

Revision Date: _____
 Title: "An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions."
 Sponsor: Sen. Sale
 Requestor: (S)JUD

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

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	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						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 3/7/95

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Senator Judith E. Salo

Alaska State Legislature



MEMORANDUM

TO: Senator Rick Halford, Co-Chair
Senate Finance Committee

FROM: Senator Judith E. Salo

DATE: March 11, 1995

SUBJECT: Hearing Request

.....

I respectfully request a hearing for Senate Bill 7 "An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions." If passed, this legislation will prevent a person from being released on bail either before sentencing or pending appeal when the person has been previously convicted of sexual assault in the second and third degrees, sexual abuse of a minor in the second and third degrees, and stalking in the first degree.

This legislation is the same bill that I introduced last year (SB 228) which passed the Senate by a vote of 19-0. Last year's bill had five zero fiscal notes and received all do pass recommendations in every committee, both in the House and the Senate.

Thank you for your consideration.

South Anchorage • Indian • Bird Creek • Girdwood • Hope • Kenai • Nikiski • Kalifornsky Beach

During Session: State Capitol • Juneau, AK 99801 • (907) 465-4940 • (907) 465-3766 FAX
 Interim Anchorage: 716 W 4th, Suite 450 • Anchorage, AK 99501 • (907) 258-8183 • (907) 258-5571 FAX
 Interim Kenai: 34824 K-Beach Rd. • Kenai, AK 99611 • (907) 262-4254 • (907) 262-1881 FAX

SENATE COMMITTEE REPORT
First Committee of Referral

had a further referral to
Finance

DATE: 1/23/95

FURTHER: **Finance**

DPW

Date of 5-Day Notice: March 2, 1995
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-8-95

Judiciary Committee considered SENATE BILL NO. 7

"An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions."

Phi 15

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 | same title
 | new title
 House Bill:
 | technical change
 | new: SCR# _____

SIGNING DP PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>il Adams</i>	<input checked="" type="checkbox"/>		
<i>Lynne Meyer</i>	<input checked="" type="checkbox"/>				
<i>J. Sellers</i>	<input checked="" type="checkbox"/>				
<i>CHAIR: D. B. Taylor</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>Corrections</i>	<i>1/8/95</i>	<input checked="" type="checkbox"/>	
<i>Law</i>	<i>1/31/95</i>	<input checked="" type="checkbox"/>	
<i>DPS Troopers</i>	<i>2/10/95</i>	<input checked="" type="checkbox"/>	
<i>DPS Domestic Violence</i>	<i>2/10/95</i>	<input checked="" type="checkbox"/>	
<i>DNA Public Defender</i>	<i>3/7/95</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SB

13

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 27, 1995

FURTHER REFERRALS:

Date of Committee Action: _____

The FINANCE Committee considered:

CSSB 13(JUD)am(ct rule fld)

CS FOR SENATE BILL NO. 13(JUD) am(ct rule fld)

DNA EVIDENCE IN CIVIL AND CRIMINAL TRIALS

"An Act relating to the admissibility into evidence of deoxyribonucleic acid (DNA) profiles in civil and criminal proceedings."

recommended it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) DOA zero fiscal note(s) 1 - Corrections 2/9/95
1 - Law 2/9/95
1 - DPS 2/9/95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Vic Kohring</i> Kohring	X			
<i>Mark Hanley</i> Hanley	X			
<i>John Mulder</i> Mulder	X			
<i>Kate Kelly</i> Kelly	X			
<i>Terry Martin</i> Martin	X			
<i>Gene Theriault</i> Theriault	X			

CHAIR'S SIGNATURE *Mark Hanley*

317195
(H) FIN

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 13 (HD)

Revision Date: _____
 Title: "An Act relating to admissibility into evidence of DNA profiles in civil and criminal proceedings..."
 Sponsor: Sen. Leman
 Requestor: H. FIN

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	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						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 3/7/95

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FISCAL NOTE

No. 2
 Bill Version: SB 131
 (S) Publish Date: 2-9-95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the admissibility of evidence and BRU: _____
testimony related to DNA profiles Component: _____
 Sponsor: Sen. Lemman
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill relates to expert testimony related to DNA testing. According to the most recent discussions involving the Department of Law and the Department of Public Safety, the Department of Corrections role in this issue would be to collect the blood samples and transport to a designated location. It is not anticipated that any costs would be incurred with respect to the effects of this bill.

Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: /s/
 Agency: Department of Corrections

Phone: 465-4640
 Date: 1/25/95
 Date: 1/25/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: SB 13

(S) Publish Date: 2-9-95

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...admissibility of evidence and testimony in BRU: Prosecution
criminal and civil proceedings...deoxyribonucleic acid (DNA) profiles... Component: All
 Sponsor: Senator Leman
 Requester: Senator Leman COMPONENT SERIAL NO. 0085 - 0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill changes the Alaska Rules of Evidence to provide for the admissibility of DNA profiles in civil and criminal actions or proceedings to prove or disprove the identity of a person. In so doing, the bill adopts the standard for admissibility of scientific evidence adopted by the U.S. Supreme Court in 1993 for use by federal courts. Currently, Alaska's courts apply a standard for admissibility of scientific evidence that dates from the 1920s. The current standard does not take into account new or rapidly developing science for the identification of persons, and courts have sometimes not admitted into evidence the most recent testing methods. For instance, DNA evidence has been proven to be scientifically valid and of extreme value for both the defense and the prosecution for identification purposes. However, in the 2 or 3 cases where the issue of the standard for the admissibility of DNA evidence has been litigated, the department has had to spend \$20,000, in each case, for out-of-state experts, with only partial success. Consequently, the bill will reduce the department's cost to have DNA evidence admitted at trial and free its limited resources to handle other prosecutions that it has been forced to decline.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/23/95
 Date: 1/23/95

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FISCAL NOTE

STATE OF ALASKA

BILL NO. No. 3

1995 LEGISLATIVE SESSION

Bill Version: SB 13

(S) Publish Date: 2-9-95

Revision Date: _____ Dept. Affected: Public Safety

Title: "An Act relating to the admissibility of DNA BRU: DPS Statewide

evidence and testimony in criminal/civil proceedings." Component: Commissioner's Office

Sponsor: Senator Leman

Requestor: (S) Judiciary COMPONENT SERIAL NO. 0523

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-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						
1008 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ -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.)

No significant fiscal impact is anticipated.

Prepared By: Ken Bischoff Phone: 465-4336

Division: Administrative Services Date: 01/27/95

Approved by Commissioner: *Dee Smith* Date: 01/27/95

Agency: Ronald L. Otte, Dept. of Public Safety

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SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

SPONSOR STATEMENT

SENATE BILL 13

"An Act relating to the admissibility of evidence and testimony in criminal and civil proceedings; directing the admissibility into evidence of deoxyribonucleic acid (DNA) profiles in civil and criminal proceedings,..."

The State of Alaska has spent a considerable amount of money making our State's Crime Lab one of the best in the country. A substantial amount of this money has gone into state-of-the-art deoxyribonucleic acid (DNA) analysis equipment and experts. Passage of Senate Bill 13 ensures that the criminal justice system will be able to fully capitalize on the benefits of this scientific evidence.

Genetic print analysis - genetic fingerprinting - is a term used to describe a kind of evidence by which strands of coding found in a particular genetic molecule may be compared to the coding of like molecules in tissue from a different source for the purpose of identifying the perpetrator of a crime. The genetic molecule examined is deoxyribonucleic acid (DNA). Genetic print analysis subjects human tissue to a procedure that "reads" sequences in the DNA molecule and produces a bar-code like pattern that is unique to the individual.

Currently, methods for admitting new scientific evidence such as DNA in criminal cases fall under the Frye test. Under this test the court must decide if there is a general consensus in the relevant scientific community that the scientific testimony is reliable. Sometimes this is called the "general acceptance" test, using a social standard rather than a scientific standard.

The problem with the outdated Frye test can be seen as intense debate concerning the O.J. Simpson trial unfolds. It is almost impossible as well as extremely expensive for a judge to determine in each individual case what a general, national scientific consensus is or is not. If the law is not changed Alaska could fly the same four expert witnesses up again and again, in case after case before the standards of the Frye test are met.

The United States Supreme Court has abandoned the Frye test and is now using a 1993 case called Daubert v. Merrell Dow Pharmaceuticals, Inc. 113 S.Ct.2786, 125 L.Ed.2d 469 (1993). The so-called Daubert test is now being used in all Federal courts. The Daubert approach is based on Federal Rule of Evidence 702. Under the Daubert test, the court makes a preliminary assessment that the underlying reasoning or methodology of the DNA testing is scientifically valid and can be applied to the facts at issue. The inquiry is flexible and focuses on the scientific validity of the principles and the methodology. The advantage of adopting the Daubert test in Alaska is that it is far more flexible than the Frye test and can therefore be satisfied without counting all the noses of scientists in the country.

DNA is important because it can be used in cases involving the most heinous of crimes: rape, child sexual abuse and murder. Alaska has made the scientific investment, it is now time to ensure that this DNA evidence can routinely be heard by juries.

The Legislature should pass Senate Bill 13. It would save bundles of money and make good use of its investment in the Alaska State Forensic Science Crime Lab.

ALASKA PEACE OFFICERS ASSOCIATION

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

FEB 13 1995

February 8, 1995



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Senator Loran Leman
Capitol Building
Juneau, Alaska 99801-1182

Dear Senator Leman,

I am the State-wide president of the Alaska Peace Officers Association. Our organization represents over 1200 law enforcement officers from over 80 local, state and federal agencies. On January 31, 1995, the State Board met and discussed pending legislation dealing with peace officers.

We have chosen Senate Bills 12 & 13 as one of our priority pieces of legislation. In 1901 at the World's Fair in St. Louis fingerprinting was introduced to America. By 1906 it was widely accepted by American Courts. DNA has been used by police agencies in this country since 1986 (it was first used by the Alaska State Crime Lab in 1992). It is meeting constant challenges by the defense bar because of its devastating consequences at a jury trial. We feel this scientific procedure has passed muster in courts all over the world and we should not bow to the pressure of disgruntled defense attorneys who are trying to prohibit this useful piece of evidence from the court room.

If there is anything this organization can do to assist your effort in passing this legislation please contact me (451-5316) or our Executive Director, Joseph Young (277-0515), or Alyce Hanley (243-7574). On behalf of the Alaska Peace Officers Association, I want to thank you for proposing this legislation and wish you the best in this legislative session.

Respectfully yours,

Michael Corkill
by *[Signature]*

Michael Corkill
State-wide President

9-LS01-110
Chenoweth
3/1/95

HOUSE CS FOR CS FOR SENATE BILL NO. 13()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS LEMAN, Kelly, Halford, Sharp, Green

REPRESENTATIVE Toohey

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the admissibility into evidence of deoxyribonucleic acid (DNA)
2 profiles in civil and criminal proceedings; amending Rules 702(a) and 703 of the
3 Alaska Rules of Evidence to modify the rule relating to the basis or foundation
4 for the admissibility of expert opinion testimony that is based on scientific
5 evidence as it relates to DNA profile evidence; and amending Rule 403 of the
6 Alaska Rules of Evidence."

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

8 * Section 1. LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE. (a) The
9 legislature finds that

10 (1) recent developments in molecular biology and genetics have important
11 applications for forensic science; except for identical twins, the deoxyribonucleic acid (DNA)
12 of every person is unique; DNA typing methods can be used to characterize the DNA of an
13 individual;

1 (2) the discriminating power of DNA typing is far superior to non-DNA
2 genetic marker testing methods and DNA typing methods have proven to be a reliable and
3 scientifically accepted tool for the investigation and prosecution of sex offenses and other
4 crimes;

5 (3) scientific evidence provides an increasingly critical source of information
6 in civil and criminal litigation;

7 (4) court decisions guiding the admissibility of scientific evidence in the state
8 courts impose a requirement on the introduction of expert scientific testimony that condition
9 the introduction of that testimony on the degree of its validation within the community, that
10 is, to its general acceptance by experts in the relevant scientific field;

11 (5) under the court decisions, trial courts are empowered to evaluate the quality
12 of expert witnesses' opinions and to exclude opinions that have not achieved general
13 acceptance in the scientific community;

14 (6) the ability of a trial court to exclude opinion evidence that has not achieved
15 general acceptance in the scientific community may prohibit introduction and consideration
16 of DNA profile evidence and testimony based on experimental scientific information that
17 could be useful to the trier of fact; and

18 (7) to better assure that relevant DNA profile evidence may be considered, the
19 "general acceptance" principle for admissibility of scientific testimony should be replaced and
20 a more flexible approach to the use of opinion testimony should be adopted.

21 (b) In amending Alaska Rules of Evidence 702(a) and 703, in secs. 4 and 5 of this
22 Act, it is the purpose of the legislature to change the appropriate standard for the admissibility
23 of DNA evidence in civil and criminal proceedings. The legislature's amendment of this rule
24 would eliminate, as to DNA evidence, a case-by-case determination of "general acceptance"
25 underlying scientific evidence as a precondition to the admissibility of scientific evidence in
26 a criminal or civil action, a principle first enunciated in *Frye v. United States*, 293 F. 1013
27 (D.C. Cir. 1923) and adopted for the courts of this state in *Pulakis v. State*, 476 P.2d 474, 478
28 (Alaska 1970). In its place, for DNA evidence, the legislature opts to substitute the
29 comparable rule applicable to the introduction of scientific evidence in cases in the federal
30 courts. That standard was announced in *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509
31 U.S. --, 125 L.Ed.2d 469, 113 S.Ct. 2786 (1993). Under the *Daubert* standard, the reliability

1 of scientific evidence is to be determined based on the evidence's scientific validity without
2 reference to the quality of expert opinion, and without the qualifying condition that an expert
3 opinion that has not achieved general acceptance in the scientific community must be
4 excluded.

5 * Sec. 2. AS 09.25 is amended by adding a new section to read:

6 Sec. 09.25.300. ADMISSIBILITY OF DNA PROFILES. (a) In a civil action
7 or proceeding, the evidence of a DNA profile is admissible to prove or disprove any
8 relevant fact.

9 (b) A party seeking to introduce the evidence of a DNA profile shall

10 (1) notify all other parties in writing, on or before a date determined by
11 order or rule of the court, of the party's intention to introduce the evidence; and

12 (2) provide all other parties, on or before a date determined by order
13 or rule of the court, copies of the DNA profiles and the report or statement of the
14 profile to be introduced.

15 (c) If the notice required by (b) of this section is not timely provided and a
16 party attempts to introduce the evidence, the court may, in its discretion, either allow
17 the opposing party a continuance or, under appropriate circumstances, bar the party
18 from presenting the evidence.

19 (d) If a party to whom notice is given under (b) of this section intends to
20 object to the admissibility of the DNA profile, the party shall give written notice of
21 the objection on or before the date determined by order or rule of the court.

22 (e) In this section,

23 (1) "deoxyribonucleic acid" or "DNA" means the molecules in all
24 cellular forms that contain genetic information in a patterned chemical structure for
25 each individual;

26 (2) "DNA profile" means an analysis of deoxyribonucleic acid material
27 in a human sample of blood, semen, tissue, or other DNA-bearing cells resulting in the
28 identification of the individual's patterned chemical structure of genetic information.

29 * Sec. 3. AS 12.45 is amended by adding a new section to read:

30 Sec. 12.45.035. ADMISSIBILITY OF DNA PROFILES. (a) In a criminal
31 action or proceeding, the evidence of a DNA profile is admissible to prove or disprove

1 any relevant fact.

2 (b) A party seeking to introduce the evidence of a DNA profile shall

3 (1) notify all other parties in writing, on or before a date determined
4 by order or rule of the court, of the party's intention to introduce the evidence; and

5 (2) provide all other parties, on or before a date determined by order or
6 rule of the court, copies of the DNA profiles and the report or statement of the profile
7 to be introduced.

8 (c) If the notice required by (b) of this section is not timely provided and a
9 party attempts to introduce the evidence, the court may, in its discretion, either allow
10 the opposing party a continuance or, under appropriate circumstances, bar the party
11 from presenting the evidence.

12 (d) If a party to whom notice is given under (b) of this section intends to
13 object to the admissibility of the DNA profile, the party shall give written notice of
14 the objection on or before the date determined by order or rule of the court.

15 (e) In this section,

16 (1) "deoxyribonucleic acid" or "DNA" means the molecules in all
17 cellular forms that contain genetic information in a patterned chemical structure for
18 each individual;

19 (2) "DNA profile" means an analysis of deoxyribonucleic acid material
20 in a human sample of blood, semen, tissue, or other DNA-bearing cells resulting in the
21 identification of the individual's patterned chemical structure of genetic information.

22 * Sec. 4. Rule 702(a), Alaska Rules of Evidence, is amended to read:

23 (a) If scientific, technical, or other specialized knowledge will assist the trier
24 of fact to understand the evidence or to determine a fact in issue, a witness qualified
25 as an expert by knowledge, skill, experience, training, or education, may testify thereto
26 in the form of an opinion or otherwise. In the case of expert testimony that is based
27 upon a scientific theory or technique to support the admission of evidence of or
28 based upon a deoxyribonucleic acid (DNA) profile, the court may not admit the
29 evidence unless the court finds that the theory or technique in question is
30 scientifically valid for the purpose for which it is applied.

31 * Sec. 5. Rule 702, Alaska Rules of Evidence, is amended to read:

1 Rule 703. BASIS OF OPINION TESTIMONY BY EXPERTS. The facts or
2 data in the particular case upon which an expert bases an opinion or inference

3 (1) may be those perceived by or made known to the expert at or
4 before the hearing;

5 (2) [. FACTS OR DATA] need not be admissible in evidence; and

6 (3) [BUT] must be of a type reasonably relied upon by experts in the
7 particular field in forming opinions or inferences upon the subject; however, when
8 used to support the admission of evidence that is based on a deoxyribonucleic acid
9 (DNA) profile, the facts or data that relate to and support an expert opinion or
10 inference as to scientific knowledge need not be sufficiently established to have
11 become generally accepted in the particular field to which the facts or the data
12 belong.

13 * Sec. 6. AS 09.25.300, added by sec. 2 of this Act, and AS 12.45.035, added by sec. 3
14 of this Act, have the effect of amending Rule 403, Alaska Rules of Evidence, by determining
15 that, when offered in civil and criminal actions and proceedings, DNA profile evidence has
16 probative value and that its probative value outweighs the danger of unfair prejudice.

SB

13

SFIN

FILE



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 485-3701
FAX: 485-2832

FOR YOUR IMMEDIATE ATTENTION

DATE: 2/14

TO SENATE COMMITTEE: Finance - retrieve from
Rathy

FROM: Office of the Senate Secretary

The Chairman of the above-referenced Committee has waived the Committee referral on the following bill(s):

SB 13

DNA -

Please give the bill file(s) to the page delivering this message for forwarding to the next Committee of referral.

Thank you for your prompt attention to this request.

JR/s

2/1/95 #3
(S)JUD, FIN

FISCAL NOTE

STATE OF ALASKA

BILL NO: SB 13

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to the admissibility of DNA evidence and testimony in criminal/civil proceedings." BRU: DPS Statewide
 Sponsor: Senator Leman Component: Commissioner's Office
 Requestor: (S) Judiciary COMPONENT SERIAL NO. 0523

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () <small>Revenue Code</small>	-0-	-0-	-0-	-0-	-0-	-0-

SB 13

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-

Estimate of current year (FY 95) impact: \$ -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.)
 No significant fiscal impact is anticipated.

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: 01/27/95
 Approved by Commissioner: *Del Smith* Date: 01/27/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 2
 Bill Version: SB 13
 (S) Publish Date: 2-9-95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the admissibility of evidence and BRU: _____
testimony related to DNA profiles Component: _____
 Sponsor: Sen. Leman
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill relates to expert testimony related to DNA testing. According to the most recent discussions involving the Department of Law and the Department of Public Safety, the Department of Corrections role in this issue would be to collect the blood samples and transport to a designated location. It is not anticipated that any costs would be incurred with respect to the effects of this bill.

Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: [Signature]
 Agency: Department of Corrections

Phone: 465-4640
 Date: 1/25/95
 Date: 1/25/95

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FISCAL NOTE

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BILL NO. SB 13 1

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to the admissibility of evidence and BRU: _____
testimony related to DNA profiles Component: _____
 Sponsor: Sen. Leman
 Requester: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill relates to expert testimony related to DNA testing. According to the most recent discussions involving the Department of Law and the Department of Public Safety, the Department of Corrections role in this issue would be to collect the blood samples and transport to a designated location. It is not anticipated that any costs would be incurred with respect to the effects of this bill.

Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: Walter M. Pugh
 Agency: Department of Corrections

Phone: 465-4640
 Date: 1/25/95
 Date: 1/25/95

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SB 13

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FISCAL NOTE

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BILL NO. SB 13

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...admissibility of evidence and testimony in BRU: Prosecution
criminal and civil proceedings...deoxyribonucleic acid (DNA) profiles..." Component: All
 Sponsor: Senator Leman
 Requester: Senator Leman COMPONENT SERIAL NO. 0085 - 0090

Expenditures/Revenues (Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill changes the Alaska Rules of Evidence to provide for the admissibility of DNA profiles in civil and criminal actions or proceedings to prove or disprove the identity of a person. In so doing, the bill adopts the standard for admissibility of scientific evidence adopted by the U.S. Supreme Court in 1993 for use by federal courts. Currently, Alaska's courts apply a standard for admissibility of scientific evidence that dates from the 1920s. The current standard does not take into account new or rapidly developing science for the identification of persons, and courts have sometimes not admitted into evidence the most recent testing methods. For instance, DNA evidence has been proven to be scientifically valid and of extreme value for both the defense and the prosecution for identification purposes. However, in the 2 or 3 cases where the issue of the standard for the admissibility of DNA evidence has been litigated, the department has had to spend \$20,000, in each case, for out-of-state experts, with only partial success. Consequently, the bill will reduce the department's cost to have DNA evidence admitted at trial and free its limited resources to handle other prosecutions that it has been forced to decline.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/23/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/23/95
 Agency: Department of Law

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FISCAL NOTE

Bill Version: SB 13
 (S) Publish Date: 2-9-95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...admissibility of evidence and testimony in BRU: Prosecution
criminal and civil proceedings...deoxyribonucleic acid (DNA) profiles... Component: All
 Sponsor: Senator Leman
 Requester: Senator Leman COMPONENT SERIAL NO. 0085 - 0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill changes the Alaska Rules of Evidence to provide for the admissibility of DNA profiles in civil and criminal actions or proceedings to prove or disprove the identity of a person. In so doing, the bill adopts the standard for admissibility of scientific evidence adopted by the U.S. Supreme Court in 1993 for use by federal courts. Currently, Alaska's courts apply a standard for admissibility of scientific evidence that dates from the 1920s. The current standard does not take into account new or rapidly developing science for the identification of persons, and courts have sometimes not admitted into evidence the most recent testing methods. For instance, DNA evidence has been proven to be scientifically valid and of extreme value for both the defense and the prosecution for identification purposes. However, in the 2 or 3 cases where the issue of the standard for the admissibility of DNA evidence has been litigated, the department has had to spend \$20,000, in each case, for out-of-state experts, with only partial success. Consequently, the bill will reduce the department's cost to have DNA evidence admitted at trial and free its limited resources to handle other prosecutions that it has been forced to decline.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/23/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/23/95
 Agency: Department of Law

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SENATE COMMITTEE REPORT

First Committee of Referral

Handwritten: DATE: 1/16/95

FURTHER: Finance

Date of 5-Day Notice: 1/26/95
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-9-95

Judiciary Committee considered SENATE BILL NO. 13

Handwritten: DNA Evidence

Admissibility of evidence and testimony in criminal and civil proceedings; directing the admissibility into evidence of DNA profiles; amending Rules 702(a) and 703 of the Alaska Rules of Evidence, and amending Rules 401, 403, and 705 of the Alaska Rules of Evidence.

Handwritten: 3 PHON'S

and recommends:

- be replaced with CS SB 13 (Jud)
- adopt previous CS
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 technical change
 new: SCR# _____

SIGNING WITH RECOMMENDATIONS:	DP	DNP	NR	AM
<i>Mike Miller DOP</i>	✓			
<i>Al Adams 2 NR</i>			X	
<i>Linda Green DOP</i>	✓			
<i>Phyllis 2 NR</i>			X	
CHAIR: <i>Robin L. Taylor JD</i>	✓			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
DPS/	1/27/95	✓	
DOI ad	1/23/95	✓	
Corrections	1/25/95	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill