

ALASKA LEGISLATURE

1470

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

SB

22

SFIN

FILE

SENATE COMMITTEE REPORT

First Committee of Referral

mut

DATE: 1/16/95

FURTHER: Finance

Date of 5-Day Notice: 01-21-95
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-6-95

HESS Committee considered SENATE BILL NO. 22

Appropriations to the ~~Department of Education~~ for support of kindergarten, primary, and secondary education and community schools programs and for school construction debt retirement; ~~etc.~~

and recommends:

- be replaced with ~~CS~~ CS SB 22 (HES)
- 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>			<input checked="" type="checkbox"/>	
<i>Loren D. Fenwick</i>			<input checked="" type="checkbox"/>	
<i>Lizda Green</i>				<input checked="" type="checkbox"/>
CHAIR: <i>Lizda Green</i>				<input checked="" type="checkbox"/>

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SB

25

SFIN

FILE



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832

FOR YOUR IMMEDIATE ATTENTION

DATE:

4/20/95

TO SENATE COMMITTEE:

Finance, Katny

FROM: Office of the Senate Secretary

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

HB 86 municipal Personal Property Taxation
SB 25 Repeal Vegetable Dealer Licensing

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

FISCAL NOTE

C. 1
 Bill Version: SB 25
 (S) Publish Date: 4-12-95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act repealing vegetable dealer BRU: Agricultural Development
licensing and regulation Component: Agricultural Development
 Sponsor: Senator Donlev and Ellis
 Requestor: _____ Component Serial No. 455

(Thousands of Dollars)

Expenditures/Revenues	FY96	FY97	FY98	FY99	FY00	FY01
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	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1004)	0.1	0.1	0.1	0.1	0.1	0.1

(Thousands of Dollars)

FUND SOURCE	FY96	FY97	FY98	FY99	FY00	FY01
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: \$ None

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)

AS 03.57 requires approximately 1 day of clerical time and 3-4 hours of professional time per year and generates approximately \$100-\$150/year in fees, which are deposited into the unrestricted general fund.

There is no appreciable impact to the Division of Agriculture with implementation of this legislation.

Prepared by: John W. Cramer, Director *[Signature]* Phone: 745-7200
 Division: Agriculture Date: 23-Jan-95
 Approved by Commissioner: _____ Date: 1/23/95
 Agency: Natural Resources *[Signature]*

FISCAL NOTE

STATE OF ALASKA

BILL NO. SB25

1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act repealing vegetable dealer BRU: Agricultural Development
licensing and regulation Component: Agricultural Development
 Sponsor: Senator Donley and Ells
 Requestor: _____ Component Serial No. 455

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
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	0.0	0.0	0.0
CHANGE IN REVENUES (1004)	(0.1)	(0.1)	(0.1)	(0.1)	(0.1)	(0.1)

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: \$ None

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)

AS 03.57 requires approximately 1 day of clerical time and 3-4 hours of professional time per year and generates approximately \$100-\$150/year in fees, which are deposited into the unrestricted general fund.

There is no appreciable impact to the Division of Agriculture with implementation of this legislation.

Prepared by: John W. Cramer, Director *John W. Cramer* Phone: 745-7200
 Division: Agriculture Date: 23-Jan-95
 Approved by Commissioner: _____ Date: 1/23/95
 Agency: Natural Resources

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/16/95

FURTHER: Finance

Handwritten initials

Date of 5-Day Notice: 2-23-95
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/11/95

Labor and Commerce Committee considered SENATE BILL NO. 25

"An Act repealing vegetable dealer licensing and regulation."

Handwritten initials

and recommends:

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

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

SIGNING / DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>John Ferguson</i>	<input checked="" type="checkbox"/>				
<i>Dorinda E. Salo</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Tim Kelly</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>DNR</i>	<i>4/23</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

26

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: May 6, 1995

FURTHER REFERRALS:

Date of Committee Action: _____

The FINANCE Committee considered:

CSSB 26(FIN)

CS FOR SENATE BILL NO. 26(FIN)

DEADLY WEAPON OFFENSES BY JUVENILES

"An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults for certain violations of laws by minors who use deadly weapons to commit offenses that are crimes against a person, and relating to the sealing of the records of those minors."

recommends it be replaced the same title
with the following committee substitute _____ 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) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
Died in committee				

CHAIR'S SIGNATURE _____

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: 3/13/96 Dept. Affected: Corrections
 Title: "An act providing for automatic waiver of BRU: Statewide Programs
juvenile jurisdiction Component: all institutions
 Sponsor: Sen. Donley
 Requester: ~~Sen. Donley~~ H FIN COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	53.0	105.0				
TRAVEL						
CONTRACTUAL	0.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0.0		4,427.0	4,427.0	4,427.0	4,427.0
TOTAL OPERATING	53.0	105.0	4,427.0	4,427.0	4,427.0	4,427.0

CAPITAL EXPENDITURES	1,440.0	8,160.0				
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,493.0	8,265.0	4,427.0	4,427.0	4,427.0	4,427.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,493.0	8,265.0	4,427.0	4,427.0	4,427.0	4,427.0

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

POSITIONS

FULL-TIME	1	2				
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The DOC currently has 18 waived juveniles 16 years of age or older in adult prisons. Data from DHSS and DOL indicate that an additional 18 juveniles ages 14 and 15 would be added per year as a result of this bill. It is assumed that the average stay by a juvenile in the new adult facility would be three years before they are moved to an adult prison or released to the community. The population is expected to reach 54 or more in three years and climb slowly there after. The department would be required, by the need to protect this vulnerable population from predatory adult offenders, to house these individuals separate from the adult prisoner population. Such separation could be in a wing or unit of an existing adult prison, but no such space exists under the current overcrowded conditions.

Appropriate educational, vocational, counseling and rehabilitation programs suitable for youthful offenders would be undertaken. Both male and female housing would be required but both could participate in the same programs.

CONTINUED ON PAGE TWO:

Prepared by: Jerry Shriner Phone: 465-4640
 Division: _____ Date: 3/14/96
 Approved by Commissioner: Margaret H. Pugh Margaret Pugh Date: 3/14/96
 Agency: Department of Corrections

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CSSB 26 (FIN)

Fiscal Note

Page 2 of 2

The need to provide for education and vocational training suitable to return these juveniles to the community with skills necessary to function in the community requires a wide array of resources for a small number of individuals. Both construction and operating costs will be high compared to adding to the adult correctional system.

In addition to normal requirements, additional education and other program space would be required. The facility would be built at 60 beds and should be designed for expansion within five years after opening. Construction costs are estimated at \$160.0 per bed.

$$\$160.0 \text{ per bed} \times 60 \text{ beds} = \$9,600.0$$

Operating cost of the school at McLaughlin Youth Center exceeds \$1,400.0 annually.

Other prison related costs will exceed \$130.00 per bed day.

$$\$130.00 \text{ per bed day} \times 365 \times 60 \text{ beds} = \$ 2,847.0$$

$$\text{Total operating cost } \$2,847.0 + \$1,400.0 = \$4,247.0$$

The annual operating cost has been placed in miscellaneous because there is no operational plan detail that would allow more specific line item entries. Fifteen percent of the estimated construction costs have been entered as capital costs for FY 97 with the expectation that this amount would be transferred to DOT & PF for site selection, A & E and other related costs. The balance is included in the FY 98 capital costs line.

One facilities planner I position has been included for the duration of the planning and construction of the project (2 years) and a criminal justice planner position has been included for one year prior to occupancy to complete operational planning and staffing.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: 4/11/96 Dept. Affected: Department of Law
 Title: ...automatic waiver of juvenile jurisdiction...minors BRU: Criminal Division
who use deadly weapons to commit offenses...crimes against a person Component: Criminal Division
 Sponsor: Senator Donley
 Requester: House Finance Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a deadly weapon in the commission of a crime against a person, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of a deadly weapon in the commission of a similar offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

Richard I. Peques

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: 4/11/96
 Date: 4/11/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: _____ Dept. Affected: Administration
 Title: An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults. BRU: Public Defender Agency
 Component: Public Defender Agency
 Sponsor: Sen. Donley
 Requestor: (H) Finance COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
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
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) 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: (907)264-4400
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 4/11/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 26(FIN)

Revision Date: April 10, 1996 Dept. Affected: Public Safety
 Title: Deadly Weapon Offenses by Juveniles BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Donley
 Requestor: H. Finance COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would have a negligible fiscal impact on the Division of Alaska State Troopers. The bill will not cause the Troopers to investigate any new crimes. It will waive some juvenile offenders to adult court and that might cause some additional expenses for troopers to testify at those court hearings.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: April 10, 1996
 Approved by Commissioner: *D. L. Smith* Date: 4/11/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HCSCSSB 26 (FIN)

Revision Date:	Dept. Affected: <u>Corrections</u>
Title: <u>"An act providing for automatic waiver of juvenile jurisdiction"</u>	BRU: <u>Statewide Programs</u>
Sponsor: <u>Sen. Donley</u>	Component: <u>all institutions</u>
Requester: <u>House Finance</u>	COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0				
TRAVEL						
CONTRACTUAL	0.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	234.3	468.7	703.0	703.0	703.0	703.0
TOTAL OPERATING	234.3	468.7	703.0	703.0	703.0	703.0

CAPITAL EXPENDITURES	0.0	0.0				
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	234.3	468.7	703.0	703.0	703.0	703.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	234.3	468.7	703.0	703.0	703.0	703.0

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

POSITIONS

FULL-TIME	1	2				
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The DOC currently has 18 waived juveniles 16 years of age or older in adult prisons. Data from DHSS and DOL indicate that an additional 6 juveniles would be added each year as a result of this bill. It is assumed that the average sentence for this new group of juveniles in an adult facility would be three years before they are released to the community. The population is expected to reach 24 or more in three years and climb slowly there after. This would bring the total population of individuals under 18 years of age to 40 or more in three years. In order to protect this vulnerable population from predatory adult offenders, the DOC would need to house these individuals separate from the adult prisoner population. Such separation could be in a wing or unit of an existing adult prison, but no such space exists under the current overcrowded conditions.

Assuming no additional efforts at treatment or rehabilitation, the cost of confinement would be the same as the rest of the adult population. It is likely that three to five new CO II positions and an educational coordinator would be required by FY 98. Costs are included in the miscellaneous line because operational details have not been developed..

\$107 X 365 days X 6 offenders = \$234,330.00 FY 97
 \$107 X 365 days X 12 offenders = \$468,680.00 FY 98
 \$107 X 365 days X 18 offenders = \$702,990.00 FY 99 and beyond

Prepared by: Jerry Shriner
 Division: _____
 Approved by Commissioner: Margaret Pugh Margaret Pugh
 Agency: Department of Corrections

Phone: 465-4640
 Date: 4/29/96
 Date: 4/29/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB26(FIN)

REPORTED OUT OF

Revision Date: _____
Title: Automatic Waiver

HFC

Dept. Affected: Health and Social Services
BRU: Family and Youth Services

Sponsor: Senator Donley
Requestor: House (FIN)

Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
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						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 00.0

ANALYSIS: (Attach a separate page if necessary)

There will be no increase in cost to the Division since this legislation does not add new clients.

Prepared by: L. Diane Worley
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 01/24/96
Date: 11/25/96

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REPORTED OUT OF HFC _____ FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: 3/13/96 Dept. Affected: Corrections
 Title: "An act providing for automatic waiver of BRU: Statewide Programs
juvenile jurisdiction Component: all institutions
 Sponsor: Sen. Donley
 Requester: ~~SENATOR DONLEY~~ H F/N COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	53.0	105.0				
TRAVEL						
CONTRACTUAL	0.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0.0		4,427.0	4,427.0	4,427.0	4,427.0
TOTAL OPERATING	53.0	105.0	4,427.0	4,427.0	4,427.0	4,427.0

CAPITAL EXPENDITURES	1,440.0	8,160.0				
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF	1,493.0	8,265.0	4,427.0	4,427.0	4,427.0	4,427.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,493.0	8,265.0	4,427.0	4,427.0	4,427.0	4,427.0

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

POSITIONS

POSITIONS	1	2				
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The DOC currently has 18 waived juveniles 16 years of age or older in adult prisons. Data from DHSS and DOL indicate that an additional 18 juveniles ages 14 and 15 would be added per year as a result of this bill. It is assumed that the average stay by a juvenile in the new adult facility would be three years before they are moved to an adult prison or released to the community. The population is expected to reach 54 or more in the years and climb slowly thereafter. The department would be required, by the need to protect this vulnerable population from predatory adult offenders, to house these individuals separate from the adult prisoner population. Such separation could be in a wing or unit of an existing adult prison, but no such space exists under the current overcrowded conditions.

Appropriate educational, vocational, counseling and rehabilitation programs suitable for youthful offenders would be undertaken. Both male and female housing would be required but both could participate in the same programs.

CONTINUED ON PAGE TWO:

Prepared by: Jerry Shriner
 Division: _____
 Approved by Commissioner: Margaret H. Pugh Margaret Pugh
 Agency: Department of Corrections

Phone: 465-4640
 Date: 3/14/96
 Date: 3/14/96

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CSSB 26 (FIN)

Fiscal Note

Page 2 of 2

The need to provide for education and vocational training suitable to return these juveniles to the community with skills necessary to function in the community requires a wide array of resources for a small number of individuals. Both construction and operating costs will be high compared to adding to the adult correctional system.

In addition to normal requirements, additional education and other program space would be required. The facility would be built at 60 beds and should be designed for expansion with in five years after opening. Construction cost are estimated at \$160.0 per bed.

$$\text{\$160.0 per bed X 60 beds} = \text{\$9,600.0}$$

Operating cost of the school at McLaughlin Youth Center exceeds \$1,400.0 annually.

Other prison related costs will exceed \$130.00 per bed day.

$$\text{\$130.00 per bed day X 365 X 60 beds} = \text{\$ 2,847.0}$$

$$\text{Total operating cost } \text{\$2,847.0} + \text{\$1,400.0} = \text{\$4,247.0}$$

The annual operating cost has been placed in miscellaneous because there is no operational plan detail that would allow more specific line item entries. Fifteen percent of the estimated construction costs have been entered as capital costs for FY 97 with the expectation that this amount would be transferred to DOT & PF for site selection, A & E and other related costs. The balance is included in the FY 98 capital costs line.

One facilities planner I position has been included for the duration of the planning and construction of the project (2 years) and a criminal justice planner position has been included for one year prior to occupancy to complete operational planning and staffing.

FISCAL NOTE REPORTED OUT OF

STATE OF ALASKA
1996 LEGISLATIVE SESSION **HFC**

BILL NO. CSSB 26 (FIN)

Revision Date: 4/11/96 Dept. Affected: Department of Law
 Title: ...automatic waiver of juvenile jurisdiction...minors BRU: Criminal Division
who use deadly weapons to commit offenses...crimes against a person Component: Criminal Division
 Sponsor: Senator Donley
 Requester: House Finance Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 (FY96) 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 waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a deadly weapon in the commission of a crime against a person, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of a deadly weapon in the commission of a similar offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

Richard I. Peques

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: 4/11/96
 Date: 4/11/96

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FISCAL NOTE
REPORTED OUT OF
HFC _____

Revision Date: _____ Dept. Affected: Administration
 Title: An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults. BRU: Public Defender Agency
 Sponsor: Sen. Donley Component: Public Defender Agency
 Requestor: (H) Finance COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
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						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) 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 Phone: (907)264-4400
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Mark Boyer *MB*
 Agency: Department of Administration Date: 4/11/96

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

FISCAL NOTE
REPORTED OUT OF
HFC

BILL NO: CSSB 26(FIN)

Revision Date: April 10, 1996 Dept. Affected: Public Safety
 Title: Deadly Weapon Offenses by Juveniles BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Donley
 Requestor: H. Finance COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would have a negligible fiscal impact on the Division of Alaska State Troopers. The bill will not cause the Troopers to investigate any new crimes. It will waive some juvenile offenders to adult court and that might cause some additional expenses for troopers to testify at those court hearings.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: April 10, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 4/11/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HCSCSSB 26 (FIN)

Revision Date: _____	Dept. Affected: <u>Corrections</u>
Title: <u>"An act providing for automatic waiver of juvenile jurisdiction"</u>	BRU: <u>Statewide Programs</u>
Sponsor: <u>Sen. Donley</u>	Component: <u>all institutions</u>
Requester: <u>House Finance</u>	COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0				
TRAVEL						
CONTRACTUAL	0.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	234.3	468.7	703.0	703.0	703.0	703.0
TOTAL OPERATING	234.3	468.7	703.0	703.0	703.0	703.0

CAPITAL EXPENDITURES	0.0	0.0				
----------------------	-----	-----	--	--	--	--

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	234.3	468.7	703.0	703.0	703.0	703.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	234.3	468.7	703.0	703.0	703.0	703.0

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

POSITIONS

FULL-TIME	1	2				
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The DOC currently has 18 waived juveniles 16 years of age or older in adult prisons. Data from DHSS and DOL indicate that an additional 6 juveniles would be added each year as a result of this bill. It is assumed that the average sentence for this new group of juveniles in an adult facility would be three years before they are released to the community. The population is expected to reach 24 or more in three years and climb slowly thereafter. This would bring the total population of individuals under 18 years of age to 40 or more in three years. In order to protect this vulnerable population from predatory adult offenders, the DOC would need to house these individuals separate from the adult prisoner population. Such separation could be in a wing or unit of an existing adult prison, but no such space exists under the current overcrowded conditions.

Assuming no additional efforts at treatment or rehabilitation, the cost of confinement would be the same as the rest of the adult population. It is likely that three to five new CO II positions and an educational coordinator would be required by FY 98. Costs are included in the miscellaneous line because operational details have not been developed..

\$107 X 365 days X 6 offenders = \$234,330.00 FY 97
 \$107 X 365 days X 12 offenders = \$468,660.00 FY 98
 \$107 X 365 days X 18 offenders = \$702,990.00 FY 99 and beyond

Prepared by: Jerry Shriner
 Division: _____
 Approved by Commissioner: Margaret Pugh
 Agency: Department of Corrections

Phone: 465-4640
 Date: 4/29/96
 Date: 4/29/96

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9-LS0252AG
Chenoweth
4/17/96

HOUSE CS FOR CS FOR SENATE BILL NO. 26()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Kelly, Pearce, Leman, Green, Miller, Taylor, Phillips, Halford
REPRESENTATIVES Sanders, James, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for automatic waiver of juvenile jurisdiction and prosecution
2 of minors as adults for certain violations of laws by minors who use deadly
3 weapons to commit offenses that are crimes against a person, and relating to
4 the sealing of the records of those minors."

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

6 * Section 1. AS 47.10.010(e) is amended to read:

7 (e) When a minor who was at least 16 years of age at the time of the offense
8 is arraigned on a charge for an offense specified in this subsection, AS 47.10.020 -
9 47.10.090 and the Alaska Delinquency Rules do not apply to the offense for which the
10 minor is arraigned or to any additional offenses joinable to it under the applicable rules
11 of court governing criminal procedure. The minor shall be charged, prosecuted, and
12 sentenced in the superior court in the same manner as an adult unless the minor is
13 convicted of some offense other than an offense specified in this subsection, in which
14 event the minor may attempt to prove, by a preponderance of the evidence, that the

1 minor is amenable to treatment under this chapter. If the court finds that the minor
2 is amenable to treatment under this chapter, the minor shall be treated as though the
3 charges had been heard under AS 47.10.010 - 47.10.142, and the court shall order
4 disposition of the charges of which the minor is convicted under AS 47.10.080(b).
5 The provisions of this subsection apply when the minor is arraigned on a charge

6 (1) that is an unclassified felony or a class A felony and the felony is
7 a crime against a person; [OR]

8 (2) of arson in the first degree; or

9 (3) that is a crime against a person punishable as a felony in which
10 the minor is alleged to have used a deadly weapon in the commission of the
11 offense and the minor was previously adjudicated as a delinquent or convicted as
12 an adult, in this or another jurisdiction, as a result of an offense that involved use
13 of a deadly weapon in the commission of a crime against a person or a crime in
14 another jurisdiction having elements substantially identical to those of a crime
15 against a person, and the offense was punishable as a felony; in this paragraph,
16 "deadly weapon" has the meaning given in AS 11.81.900.

17 * Sec. 2. AS 47.10.060(e) is amended to read:

18 (e) A person who has been tried as an adult under this section, or the
19 department on the person's behalf, may petition the superior court to seal the records
20 of all criminal proceedings, except traffic offenses, initiated against the person, and all
21 punishments assessed against the person, while the person was a minor. A petition
22 under this subsection may not be filed until five years after the completion of the
23 sentence imposed for the offense for which the person was tried as an adult. If the
24 superior court finds that the punishment assessed against the person has had its
25 intended rehabilitative effect and further finds that the person has fulfilled all orders
26 of the court entered under AS 47.10.080(b), the superior court shall order the record
27 of proceedings and the record of punishments sealed. Sealing the records restores civil
28 rights removed because of a conviction. A person may not use these sealed records
29 for any purpose except that the court may order their use for good cause shown or may
30 order their use by an officer of the court in making a presentencing report for the
31 court. The court may not, under this subsection, seal records of a criminal proceeding

1 (1) initiated against a person if the court finds that the person has not
2 complied with a court order made under AS 47.10.080(b); or

3 (2) commenced under AS 47.10.010(e) unless the minor has been
4 acquitted of all offenses with which the minor was charged or unless the most serious
5 offense of which the minor was convicted was not an offense specified in
6 AS 47.10.010(e)(1), [OR] (2), or (3).

7 * Sec. 3. APPLICABILITY. This Act applies to offenses committed on or after the
8 effective date of this Act. However, references to previous adjudications or convictions
9 include offenses committed on, before, or after the effective date of this Act.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sponsor's Response to Department of Corrections Fiscal Note for CS SB 26(FIN) - Treating juvenile offenders who for the second time use deadly weapon to commit a violent crime as adults

I disagree with the outrageously inflated fiscal impact asserted in the Department of Corrections fiscal note for SB 26. Currently, there are 18 juveniles between the ages of 16-18 incarcerated throughout correctional facilities in Alaska. Because juveniles must be separated from adult prisoners, many are alone in cells designed for multiple occupancy. The incremental cost to incarcerate juveniles ages 14-16 is minor if they are placed in cells already allocated but not filled by existing juveniles. This bill alone does not create the need for an entire new juvenile facility.

The DOC fiscal note dated 3/14/96 totals \$9.758 million through FY'98 and includes many unnecessary expenditures not required by SB 26. The DOC included construction of a new juvenile facility similar to McLaughlin with space to accommodate educational programs, counseling, rehabilitation, and vocational training opportunities. In addition a facilities planner and criminal justice planner were added to undertake the duties to construct and operate a new facility.

There are no educational programs, counseling, rehabilitation, or vocational training opportunities required by SB 26. **The fiscal note should only indicate operating costs for 18 additional juvenile offenders annually, as estimated by the Department of Law.**

Those effected by SB 26 are dangerous juveniles over age 14 who for the second time have used a deadly weapon to commit a violent crime. These are repeat offenders who need to be waived to adult court. Senate Bill 26 would create a strong deterrent to the repeated use of deadly weapons by juveniles and I urge you to disregard the DOC fiscal note dated 3/14/96. Additionally, some cost saving should occur by freeing up space in the juvenile justice system

If you have further questions, please contact Karen Brand of my staff at 3892.

DD/kb

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MEMBER: Senate Finance Committee • Senate State Affairs Committee

Produced in House



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT IN SUPPORT OF ADOPTION OF 4/17/96 DRAFT OF SB26 BY HOUSE FINANCE COMMITTEE

Treating juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults

SB26 would create a strong deterrent to the repeated use of deadly weapons by juveniles. The 4/17/96 draft Committee Substitute of SB26 would treat minors as adults who:

1. use a deadly weapon to commit a crime against a person punishable as a felony,
2. are over age 16, and
3. were previously adjudicated delinquent or convicted as an adult of using a deadly weapon to commit a crime against a person punishable as a felony.

Existing law only waives juveniles to adult court if they are at least 16 years of age, commit unclassified or class A felony crimes against a person, or commit arson in the first degree.

The Senate passed version of SB26 would have treated minors over age 14, who for the second time use a deadly weapon to commit a violent crime, as adults. After House Finance Committee debate during its first hearing on April 12th, this 4/17/96 draft was developed. The sponsor understands that the Departments of Public Safety and Law no longer oppose this legislation if the 4/17/96 draft is adopted.

SB26 does not require any additional mandatory sentence or any specified punishment. The Department of Health & Social Services estimates that approximately 6 juveniles in FY'95 would meet the criteria in SB26.

SB26 is supported by the Municipality of Anchorage, the National Education Association, the National Rifle Association, Public Safety Employees Association, Juneau and Fairbanks Police Departments, and the Spenard Community Council.

The Anchorage Police Department recently compiled 1995 data which revealed a 200% increase in arrests of juveniles for violent crimes between 1990 and 1994. That same period showed a 40% increase in juvenile arrests for property crimes. Alaska lawmakers can help curb the juvenile violent crime rate in Alaska by passing SB 26.

Currently five states have enacted juvenile laws more severe than that proposed in SB 26. Maine, California, Georgia, Florida, and Michigan require jail time for a juvenile's first-time gun-related charge. In Maine, youths between the ages of 12 and 18 are now incarcerated if caught illegally possessing a gun, whether or not it was used in a crime. The minimum sentence in Maine for this offense is six months, and can be served in a detention facility, group home, or boot camp.

If you have further questions, please contact Karen Brand of my staff at 3892.

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT - CS SB26(FIN)

Treating juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults

Senate Bill 26 would create a strong deterrent to the repeated use of deadly weapons by juveniles. Senate Bill 26 would treat minors over age 14, who for the second time use a deadly weapon to commit a violent crime, as adults. Existing law only waives juveniles to adult court if they are at least 16 years of age, commit unclassified or class A felony crimes against a person, or commit arson in the first degree.

The Senate Finance Committee amended SB 26 by replacing the word 'firearm' with 'deadly weapon'. Deadly weapons are defined by AS 11.81.900 as:

" 'deadly weapon' means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive."

SB26 does not require any additional mandatory sentence or any specified punishment. Minors who are convicted of adult crimes, if incarcerated, are required by law to be segregated from adult prison populations.

SB26 is supported by: The National Education Association, The National Rifle Association, Public Safety Employees Association, Juneau Police Department, Fairbanks Police Department, and Anchorage Police Department, and the Spenard Community Council.

The Anchorage Police Department recently compiled 1995 data which revealed a 200% increase in arrests of juveniles for violent crimes between 1990 and 1994. That same period showed a 40% increase in juvenile arrests for property crimes. Alaska lawmakers can help curb the juvenile violent crime rate in Alaska by passing SB 26.

Currently five states have enacted juvenile laws more severe than that proposed in CS SB26(FIN). Maine, California, Georgia, Florida, and Michigan require jail time for a juvenile's first-time gun-related charge. In Maine, youths between the ages of 12 and 18 are now incarcerated if caught illegally possessing a gun, whether or not it was used in a crime. The minimum sentence in Maine for this offense is six months, and can be served in a detention facility, group home, or boot camp.

If you have further questions, please contact Karen Brand of my staff at 3892.

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT

SB 26

Treating juvenile offenders with multiple convictions for violent offenses with deadly weapons as adults

Senate Bill 26 would create a strong deterrent to the repeated use of deadly weapons by juveniles. Senate Bill 26 would treat minors over age 14, who for the second time use a deadly weapon to commit a violent crime, as adults. Existing law only waives juveniles to adult court if they are at least 16 years of age, commit unclassified or class A felony crimes against a person, or commit arson in the first degree.

Deadly weapons are defined by AS 11.81.900, as:

" 'deadly weapon' means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive."

SB26 does not require any additional mandatory sentence or any specified punishment. Minors who are convicted of adult crimes, if incarcerated, are required by law to be segregated from adult prison populations.

SB26 is supported by: The National Education Association, The National Rifle Association, Public Safety Employees Association, Juneau Police Department, Fairbanks Police Department, and Anchorage Police Department.

DD/pah



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SECTIONAL ANALYSIS
Senate Bill 26
1/9/96

The following is a sectional analysis of CS SB 26(FIN) which automatically waives juvenile jurisdiction and prosecution of minors as adults for certain felonies or arson by minors using deadly weapons.

Section 1 adds an automatic waiver of juvenile jurisdiction for those minors at least 14 years old who for the second time commit a violent crime involving a deadly weapon, and cites a definition of 'deadly weapon' in AS 11.41.

Section 2 amends a statutory reference.

DD:kb

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SPENARD COMMUNITY COUNCIL
301 East Fireweed Lane Suite 101
Anchorage, Alaska 99503

Chair: Pat Fullerton 563-1156
Exec. Vice-Chair: Eileen Zaiser 277-8855
Admin. Vice-Chair: Edith McKinnon 248-3727
Treasurer: Allen Thornhill 248-4908

A RESOLUTION OF THE SPENARD COMMUNITY COUNCIL

SCCR95-5

Whereas: The frequency and violence of juvenile crime in our neighborhoods is growing, and

Whereas: The Council has long supported anti-crime legislation; and

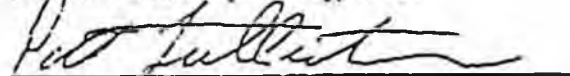
Whereas: Senator Dave Donely has introduced SB-26, which would strengthen penalties against young, repeat offenders who, for the second time, commit crimes using firearms by waiving prosecution of them directly to adult court; and

Whereas: SB-26 would create a strong deterrent to firearms misuse by young Alaskans;

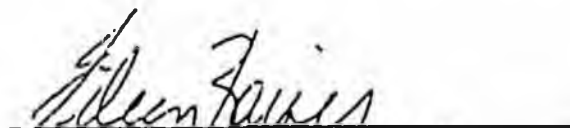
Now Therefore:

BE IT RESOLVED: The Spenard Community Council endorses SB-26 and urges, in the strongest terms, the Alaska Legislature to pass this much needed law.

Passed this 3rd day of May, 1995.



Pat Fullerton, Chair



Eileen Zaiser, Executive Vice-Chair

*Sent To:
Lush in Sen Donely
ofc 465-6595
Ben in Rep. Fisher
ofc 465-237*

PUBLIC SAFETY EMPLOYEES ASSOCIATION, INC.

"Representing Alaska's Finest"

1569 S. Bragaw #201, Anchorage, AK 99508

(907) 337-1979

Fax (907) 337-1753

March 14, 1995

Senator Dave Donley
State Capital
Juneau, AK 99801-1182

Dear Senator Donley,

I would like to commend you on your sponsorship of SD 26. This legislation is long overdue and I wish you success in your endeavor to further the safety and welfare of the citizens of Alaska.

As President of the Public Safety Employee's Association, I represent law enforcement officers working throughout the State of Alaska. We fully endorse legislation that would bring accountability to those juvenile offenders that are involved in dangerous acts. A firearm in the hands of a juvenile can be just as deadly as a firearm in the hands of an adult. These young offenders, who are old enough to know right from wrong, must be held accountable for their actions.

Most of us in law enforcement do believe that these types of offenses committed by a juvenile deserve the same corrective action as that which would be received by an adult. However, where they will be incarcerated, assuming that incarceration is part of the penalty, is of some concern. Regardless, we as citizens can no longer afford to leave the way we handle juveniles status quo. There must be a change and SB 26 is a positive move.

If there is anything I can do to assist in the passage of any legislation such as SB 26 that will bring law and order back to the streets of Alaska feel free to contact me.

Sincerely,



Keith Perrin
President



NEA-ALASKA

Affiliated with the National Education Association

April 19, 1995

To: Sen. Dave Donley
FROM: Claudia Douglas, President
RE: SB 26 "An act relating to offenses by juveniles using fire arms."

NEA-Alaska supports passage of this bill to deter use of firearms by youth. Unfortunately in our state increasing numbers of school-aged students are taking firearms to school. It is our belief that this bill will deter such behavior by forcing the second such offense by a juvenile to be treated as an adult offense.

We are seeking safe schools for our students and the employees of our school systems. This is one way in which we may achieve a level of safety for both students and employees. We urge passage of SB 26.

Thank you for your consideration.

Dear Senator Donley -

I want to express my personal thanks for working for stiffer penalties for people who break the law. Our society has lost all sense of accountability for one's actions. I'm not sure your bill is the best as I know there are a number of similar bills out there. I like what I read. I hope your bill or one like it passes. Society must take a stand against

March 7, 199.

Dear Senator Donley,

Thank you for sending the Wendler PTA a copy of SB26. Our general membership just doesn't meet often or consistently to make this info timely. Our Executive Board received copies of your letter and bill. They may report to you individually but cannot as representatives of the PTA as an organization.

We appreciate all you do for education and our community.

Sincerely,
Cathy Dunham
Wendler PTA Secy

ADN
7/28/95

Oregon has right idea on juvenile crime

By PAUL JENKINS

While Alaska cannot even bring itself to treat teen-age joy riders as the thieves they are, Oregon is moving in the right direction to combat its growing epidemic of juvenile crime. That state's dragging parents into the justice mix.

Gov. John Kitzhaber last week signed into law the Parental Responsibility Act, a welcome addition to the law books that actually may get results. The Oregon law, which applies only to kids younger than 15, does several things to add parents to the equation.

On the kid's first criminal offense, the parents get a written warning notice. On the second, any fine may be suspended if the parents agree to attend parent effectiveness classes. If junior screws up a third time, the parents may be ordered to pay a fine of up to \$1,000.

The law also provides for restitution to victims, up to \$2,500, and a judge can require parents or legal guardians to sign a probation contract with the court defining their responsibilities while their kid is on probation. If parents break the contract, they face a fine of up to \$1,000, unless they can prove they made a reasonable effort to hold up their end of the deal.



Jenkins

While Oregon's Legislature and governor can take a bow for adopting a common sense approach to juvenile crime, real credit for the law belongs to Silverton, a bedroom community of 6,300 some 15 miles northeast of Salem. The community adopted a Parental Responsibility Ordinance that went into effect Jan. 1. That ordinance spawned the state law.

Silverton Police Chief Randy Lunsford, a 14-year veteran of the department and chief for past five years, says the results since the ordinance went into effect have been nothing less than astonishing.

"About 51 percent of the chargeable crimes committed last year were committed by juveniles," he says. And the kids were graduating from vandalism and curfew violations to more serious crime, he says. But that changed on Jan. 1.

"We're looking at a 55 percent reduction in juvenile crime since then," Lunsford says. "Vandalism, curfew violations, everything but thefts. Thefts have



stayed about the same. And we've had about a 60 percent reduction in run-aways.

"I think part of it is that parents and kids are communicating."

Silverton adopted the ordinance, Lunsford says, as a way to get the parents of kids in trouble to attend parenting classes. A consultant advised the city it was essential; that something like 82 percent of the kids whose parents attended such classes have not been apprehended for another crime, Lunsford says.

About the only resistance, so far, has been from parents forced to attend the classes, he says.

How the law will work statewide is anybody's guess, but the odds are favorable that it will. Parents may take a renewed interest in where junior is going, what he's doing and who he's doing it with if they think they might have to face a judge themselves.

We have no comparable law or ordinance in this city or state. We have a mishmash of laws with pieces here and pieces there to deal with things such as restitution, curfews and the like. But we have no one ordinance, no one state law, setting out exactly what we expect — make that demand — from the parents of kids who get into trouble.

In the meantime, we have too many parents who are not doing their jobs. And too many kids with too many rights. We have kids roaming the streets at all hours of the day and night. We have gangs. We have graffiti. We have vandal-

ism. We have thefts. We have shootings, killings and maimings. When will enough truly be enough? When will we decide to finally deal with the small minority of kids involved in this nonsense? When will we agree their parents ultimately are responsible?

We either must wake up and follow Oregon's lead, or use our common sense and intelligence to fashion even a better law; something clear, concise and easy for parents — and kids — to understand; something that helps and teaches parents while holding them accountable for their kids' actions.

We've gone a long way in this state toward making it tougher on punks — treating the most dangerous as adults and making it easier to bring them to trial, for instance. Now, we need to get parents more involved in being responsible for their offspring.

Admittedly, such a law likely would not solve all our problems. Even Chief Lunsford is pragmatic about his city's ordinance and the new Oregon law; fairly certain that those rapidly dropping crime stats in his town could shoot back up when the polish wears off the new laws.

"This is not the fix-all for juvenile crime problems," he says. "We need other things in the mix, too."

Such a law may not solve all of Alaska's juvenile crime problems either. But it would be a great addition to our mix.

Paul Jenkins is an editor of The Anchorage Times.

Oct. 5 1997



Juvenile court gets shooting

16-year-old won't be tried as adult

A 16-year-old Government Hill boy charged with second-degree murder in the shooting death of a younger boy will be tried in juvenile court, where the proceedings will remain secret, the attorney general's office said Thursday.

Juvenile authorities decided not to refer the case to the district attorney after evaluating the youth's alleged offense and his history, Assistant Attorney General Dianne Olsen said.

In deciding whether a juvenile should be tried in adult court, officials consider four factors: the seriousness of the offense, any history of juvenile delinquency, whether there is probable cause he committed the crime and whether there are juvenile facilities where he can be treated.

The boy is charged with firing a .357-caliber Magnum revolver at the head of a 14-year-old friend whose bedroom he was sharing. Desmond Cleary was killed instantly.

The 16-year-old told police he loaded a single bullet in the revolver, put it to his own head and pulled the trigger. Then he turned

Student, 15, accused of carrying gun

The Associated Press

A Bartlett High School student accused of concealing a loaded gun at school told police he got the weapon for protection on his way to and from school.

The 15-year-old boy was arrested Wednesday for carrying a concealed weapon and was booked into McLaughlin Youth Center, police investigator Anne Newell said.

Because of the boy's youth, police wouldn't say when he would appear in court.

Police confiscated a gun, small enough to fit in the palm of a hand and loaded with four bullets. School administrators had taken the gun from the boy after being tipped by other students, police said.

"He only had the gun for a brief period of time — days," Newell said. She said the boy was vague about where he got the gun, but he told police it was for protection.

TODAY'S NEWS AGENDA

VIOLENT CRIMES COMPENSATION BOARD meets at 9 a.m. at 425 G St., Suite 85C. Agenda includes administrator's report and claims for compensation.

DIVISION OF INSURANCE will hold public hearings from 9 to 10 a.m., from 10 a.m. to noon and from 2 to 4 p.m. on the following proposed regulation changes: regulations in Title 2 of the Alaska Administrative Code dealing with attorney fees and other costs taxed against the insured; establishment of minimum standards for claims-made liability coverage; and broker fee compensation.

ALASKA HOUSING FINANCE CORPORATION meets at 10 a.m. at 520 E. 34th Ave. Agenda includes discussion of issuance and sale of 1990 series general

uncompromising "hidden taxes" is disguised. Govern the citizens it se the State Govern internal econom encourages new expands the ove no need for an ir

Creating Will

There are so important in my ing more jobs, ge finally break the our economy. Fr on down, my Ad mitted to attract state and makin fication a reality opening ANWR; improving our re facilities because essary if we are potential of our



Board may expel junior high student

3/31/93 ADN

Boy loaded gun in school bathroom

By PETER BLUMBERG
Daily News reporter

A Wendler Junior High School student who loaded a handgun in front of other students in a boys' bathroom last week may be expelled pending the Anchorage School Board's approval, principal Kathy Carmody said Tuesday.

The boy who took the gun to school was reported to the principal by two other students last Thursday morning and was taken away by police, Carmody said. Officials would not release the boy's name.

One of the boys who claims he watched the gun being loaded, Jacob Bailey, said the gun appeared to be a .25-caliber pistol.

Neither Bailey nor Carmody knew where the gun came from.

Bailey, a 14-year-old

eighth-grader, said this week that curiosity drew him and his friend to follow the boy with the gun into the bathroom after he'd bragged about it in the hallway.

Once inside, Bailey said, the boy showed off the weapon and boasted that he could kill people with it.

City law forbids students from taking guns and other dangerous weapons to school, and Bailey said he knew that when he dashed out of the bathroom to report the gun to the principal.

Bailey's mother, Debbie Ansley, said parents need to face up to the fact that guns are showing up more often in the city's schools than in the past.

"People seem to think that this doesn't happen

Please see Page B-3, HANDGUN

HANDGUN: Pistol carried to school

Continued from Page B-1

here. It happens everywhere else," Ansley said, although she added: "I was pretty amazed that this happened at Wendler. This school has a pretty good reputation."

Carmody said this marks the first time in her four years at Wendler that a student has been caught with a loaded gun on campus. Loaded guns have been confiscat-

ed from students at several other schools citywide.

"The incident looks isolated to us," she said. "He doesn't belong to any particular group that might be suspected of having weapons."

There have been about 10 incidents so far this school year in which school officials have confiscated guns and disciplined students, which is about on par with

last year, said Bill Mell, executive director of secondary education.

Mell said all students are advised to tell an adult right away if they suspect another student has a gun in school.

"Unless the kids talk to us about it, we don't have a chance in controlling this," he said. "Our experience right now is that 99.9 percent of the kids are working right along with us on this."

SB

26

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/20/95

FURTHER:

DATE TURNED INTO OFFICE: 4-12-95

The Finance Committee considered **SENATE BILL NO. 26**

Automatic waiver of juvenile ju. **OFFENSES BY JUVENILE USING FIREARMS** certain violations
of laws by minors who use fire .. the sealing of the
records of those minors.

and recommends:

- be replaced with CS SB 26 (FIN)
- 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 <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>W. E. ...</i>	✓				
<i>W. ...</i>	✓				
<i>...</i>	✓				
<i>...</i>	✓				
Co-Chair: <i>...</i>	✓				
Co-Chair: <i>...</i>	✓				

NEW FISCAL NOTE(S):

	Department	Date	Zero	Fiscal
#4	DH+SS	3/6/95	0	
#5	DOA	3/14/95	0	
#6	DH+SS	2/16/95	0	

PREVIOUS FISCAL NOTE(S):*

	Department	Date	Zero	Fiscal
#3	DH+SS	2/4/95	0	
#2	DPS	3/6/95	0	
#1	DOL	2/1/95	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

STATE OF ALASKA
1995 LEGISLATIVE SESSION

REPORTED OUT OF
4-12-95

2123195
(S)JUD, FIN

BILL NO. SB26

#6

Revision Date: _____
Title: Providing for Automatic Waiver of minors who
use firearms to commit criminal offenses
Sponsor: Senators Kelly, Donley
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southeastern Region
COMPONENT SERIAL NO. 258
See also (SN#): 254,255

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

There will be no increase in cost to the division since this legislation does not add new clients.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services

Phone: 465-3191
Date: 02/14/95

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 2/16/95

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FISCAL NOTE

3/26/95
5

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 26

Revision Date: _____
 Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults"
 Sponsor: Sen. Donley
 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
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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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: 3/14/95

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STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 3
Bill Version: SB 26
(S) Publish Date: 3/20/95

Revision Date: _____
Title: Providing for Automatic Waiver of minors who
use firearms to commit criminal offenses
Sponsor: Senators Kelly, Donley
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southcentral Region
COMPONENT SERIAL NO. 254
See also (SN#): 255,258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

There will be no increase in cost to the division since this legislation does not add new clients.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services

Phone: 465-3191
Date: 02/14/95

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 2/16/95

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FISCAL NOTE

STATE OF ALASKA

BILL NO: No. 2

1995 LEGISLATIVE SESSION

Bill Version: SB 26

(S) Publish Date: 3/20/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: Offenses by juveniles using firearms Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Donley
 Requestor: (S)JUD 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:

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 impact on the Alaska State Troopers.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 03/09/95
 Approved by Commissioner: [Signature] Date: 3-9-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

No. 1

Bill Version: SB 26

(S) Publish Date: 3/20/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BII

Revision Date: _____ Dept. Affected: Department of Law
 Title: Automatic waiver of juvenile jurisdiction for minors who use firearms to commit criminal offenses... BRU: Prosecution
 Sponsor: Senator Donley Component: All
 Requester: Senator Donley COMPONENT SERIAL NO. 1085-00

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	0.01	0.01	0.01	0.01	0.01	0.01
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a firearm in the commission of the offense, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of firearms in the commission of the offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. This number includes all types of weapons and not just firearms. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

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: 2/10/95
 Date: 2/10/95

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For further dist

Office

1) Change "Criminal offense" to:
crimes against
a person

Conceptual Amendment

9-LS0252A

2) Change "firearms"
to "leady weapon"

Jack Chenoweth
called
12:00 noon

CS SENATE BILL NO. 26 (Fin)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS DONLEY, Kelly

Introduced: 1/16/95

Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for automatic waiver of juvenile jurisdiction and prosecution
2 of minors as adults for certain violations of laws by minors who use (firearms)
3 to commit (criminal offenses) and relating to the sealing of the records of those
4 minors."

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

6 * Section 1. AS 47.10.010(e) is amended to read:

7 (e) When a minor who was at least [16 YEARS] of the age specified in this
8 subsection at the time of the offense is arraigned on a charge for an offense specified
9 in this subsection, AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not
10 apply to the offense for which the minor is arraigned or to any additional offenses
11 joinable to it under the applicable rules of court governing criminal procedure. The
12 minor shall be charged, prosecuted, and sentenced in the superior court in the same
13 manner as an adult unless the minor is convicted of some offense other than an offense
14 specified in this subsection, in which event the minor may attempt to prove, by a

1 preponderance of the evidence, that the minor is amenable to treatment under this
2 chapter. If the court finds that the minor is amenable to treatment under this chapter,
3 the minor shall be treated as though the charges had been heard under AS 47.10.010
4 - 47.10.142, and the court shall order disposition of the charges of which the minor is
5 convicted under AS 47.10.080(b). The provisions of this subsection apply when

6 (1) the minor was at least 16 years of age and is arraigned on a
7 charge

8 (A) [(1)] that is an unclassified felony or a class A felony and
9 the felony is (a crime against a person) or

10 (B) [(2)] of arson in the first degree; or

11 (2) the minor was at least 14 years of age, is charged with an
12 offense, is alleged to have used a (firearm in) the commission of the (offense,) and
13 was previously adjudicated as a delinquent or convicted as an adult, in this or
14 another jurisdiction, as a result of an offense that involved use of a (firearm) in the
15 commission of the (offense) in this paragraph, "firearm" has the meaning given
16 in AS 11.81.900.

17 * Sec. 2. AS 47.10.060(e) is amended to read:

18 (e) A person who has been tried as an adult under this section, or the
19 department on the person's behalf, may petition the superior court to seal the records
20 of all criminal proceedings, except traffic offenses, initiated against the person, and all
21 punishments assessed against the person, while the person was a minor. A petition
22 under this subsection may not be filed until five years after the completion of the
23 sentence imposed for the offense for which the person was tried as an adult. If the
24 superior court finds that the punishment assessed against the person has had its
25 intended rehabilitative effect and further finds that the person has fulfilled all orders
26 of the court entered under AS 47.10.080(b), the superior court shall order the record
27 of proceedings and the record of punishments sealed. Sealing the records restores civil
28 rights removed because of a conviction. A person may not use these sealed records for
29 any purpose except that the court may order their use for good cause shown or may
30 order their use by an officer of the court in making a presentencing report for the
31 court. The court may not, under this subsection, seal records of a criminal proceeding

1 (1) initiated against a person if the court finds that the person has not
2 complied with a court order made under AS 47.10.080(b); or

3 (2) commenced under AS 47.10.010(e) unless the minor has been
4 acquitted of all offenses with which the minor was charged or unless the most serious
5 offense of which the minor was convicted was not an offense specified in
6 AS 47.10.010(e)(1)(A) or (B) [AS 47.10.010(e)(1)] or (2).

7 * Sec. 3. APPLICABILITY. This Act applies to offenses committed on or after the
8 effective date of this Act.

Conceptual Amend as
CS

Motion Darby
to charge

Criminal Off to
Proper term crimes
Against the person

Firearms to
deadly
weapons

Conceptual
Amend.

CS to follow

Daley -
check w/ tid

*Rec'd After bill R/S
Delivered to H Fin 5/10/95*

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: 05/95/95 Dept. Affected: Department of Law
 Title: "...automatic waiver of juvenile jurisdiction...minors
who use deadly weapons to commit criminals offenses..." BRU: Prosecution
 Sponsor: Senator Donley Component: All
 Requester: Senator Donley COMPONENT SERIAL NO. 0085-90

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 waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a deadly weapon in the commission of the offense, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of deadly weapons in the commission of the offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. This number includes all types of weapons and not just firearms. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 5/5/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 5/5/95
 Agency: Department of Law

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FISCAL NOTE

*Rec'd after bill R/p 5/11
Delivered to H/Fic*

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: _____
Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults"
Sponsor: Sen. Donley
Requestor: (H) 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
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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 Beyer *Alison M. Elger*
Agency: Department of Administration

Date: 5/5/95

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4-12-95

Val -

Attached is a draft of CSSB 26 (Fin) containing the conceptual amendment from this morning's meeting changing "firearms" to "deadly weapons" and "criminal offenses" to "crimes against a person." Please ask Senator Halford to review and approve or suggest an alternative. I am also sending a copy of the draft to Senator Donley's office for review as well.

Thank you,

Kathy
2618

*OK
per. Val.*

*Note & copy
to Sen. Donley
as well. 3:15pm*

*OK Karen
per for Sen Donley*

CS FOR SENATE BILL NO. 26(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS DONLEY, Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for automatic waiver of juvenile jurisdiction and prosecution
2 of minors as adults for certain violations of laws by minors who use deadly
3 weapons to commit offenses that are crimes against a person, and relating to the
4 sealing of the records of those minors."

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

6 * Section 1. AS 47.10.010(e) is amended to read:

7 (e) When a minor who was at least [16 YEARS] of the age specified in this
8 subsection at the time of the offense is arraigned on a charge for an offense specified
9 in this subsection, AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not
10 apply to the offense for which the minor is arraigned or to any additional offenses
11 joinable to it under the applicable rules of court governing criminal procedure. The
12 minor shall be charged, prosecuted, and sentenced in the superior court in the same
13 manner as an adult unless the minor is convicted of some offense other than an offense
14 specified in this subsection, in which event the minor may attempt to prove, by a

1 preponderance of the evidence, that the minor is amenable to treatment under this
2 chapter. If the court finds that the minor is amenable to treatment under this chapter,
3 the minor shall be treated as though the charges had been heard under AS 47.10.010
4 - 47.10.142, and the court shall order disposition of the charges of which the minor is
5 convicted under AS 47.10.080(b). The provisions of this subsection apply when

6 (1) the minor was at least 16 years of age and is arraigned on a
7 charge

8 (A) [(1)] that is an unclassified felony or a class A felony and
9 the felony is a crime against a person; or

10 (B) [(2)] of arson in the first degree; or

11 (2) the minor was at least 14 years of age, is charged with an
12 offense that is a crime against a person, is alleged to have used a deadly weapon
13 in the commission of the offense, and was previously adjudicated as a delinquent
14 or convicted as an adult, in this or another jurisdiction, as a result of an offense
15 that involved use of a deadly weapon in the commission of a crime against a
16 person or a crime in another jurisdiction having elements substantially identical
17 to those of a crime set out in AS 11.41; in this paragraph, "deadly weapon" has
18 the meaning given in AS 11.81.900.

19 * Sec. 2. AS 47.10.060(e) is amended to read:

20 (e) A person who has been tried as an adult under this section, or the
21 department on the person's behalf, may petition the superior court to seal the records
22 of all criminal proceedings, except traffic offenses, initiated against the person, and all
23 punishments assessed against the person, while the person was a minor. A petition
24 under this subsection may not be filed until five years after the completion of the
25 sentence imposed for the offense for which the person was tried as an adult. If the
26 superior court finds that the punishment assessed against the person has had its
27 intended rehabilitative effect and further finds that the person has fulfilled all orders
28 of the court entered under AS 47.10.080(b), the superior court shall order the record
29 of proceedings and the record of punishments sealed. Sealing the records restores civil
30 rights removed because of a conviction. A person may not use these sealed records for
31 any purpose except that the court may order their use for good cause shown or may

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order their use by an officer of the court in making a presentencing report for the court. The court may not, under this subsection, seal records of a criminal proceeding

(1) initiated against a person if the court finds that the person has not complied with a court order made under AS 47.10.080(b); or

(2) commenced under AS 47.10.010(e) unless the minor has been acquitted of all offenses with which the minor was charged or unless the most serious offense of which the minor was convicted was not an offense specified in AS 47.10.010(e)(1)(A) or (B) [AS 47.10.010(e)(1)] or (2).

* Sec. 3. APPLICABILITY. This Act applies to offenses committed on or after the effective date of this Act.



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

Date: March 30, 1995
To: Senator Frank and Senator Halford, Co-Chairmen
Senate Finance Committee
From: Senator Donley *DD*
Re: Request for Hearing SB26, Juvenile Waiver

I request a committee hearing for SB26, a bill to provide an automatic waiver to adult court for juvenile offenders who have repeated criminal offenses using firearms. This is the second request for a Senate Finance Committee hearing, the first request was submitted on March 20, 1995.

If testimony from law enforcement officers in support of this legislation is desired, a teleconference setup will be necessary.

Any questions regarding this hearing can be directed to Patricia Haggerty of my staff at 465-3842.

DD/pah



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SPONSOR STATEMENT
SB 26

**Treating juvenile offenders with multiple convictions for
firearms abuse as adults**

Senate Bill 26 strengthens juvenile law against young, repeat offenders who for the second time commit crimes using firearms by waiving prosecution of them directly to adult court. SB26 provides for minors at least 14 years of age who were previously convicted of firearms related crimes to be treated as adults. Existing law waives juvenile jurisdiction of minors at least 16 years of age who commit unclassified or class A felonies, or who commit arson in the first degree.

SB26 adapts Senate Bill 209, adopted in the 18th Legislature, which made changes to AS 47.10.010 (e), the 1994 juvenile waiver law.

Senate Judiciary Committee heard and passed the bill to the Finance committee on March 17, 1995. Passage of SB26 would create a strong deterrent to firearms misuse by young Alaskans. No longer will youth be an excuse for repeated firearms violations.

DD/pah

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-5571

MEMBER: Senate Finance Committee • Senate State Affairs Committee

Produced in House

Post-It-Grand

Fax Transmittal Memo

To: A.TTN: LARRY STEVENS
 Company: Senator Rick Halford
 Location:
 Fax #:
 Telephone #:
 Comments:

No. of Pages: 2
 Today's Date: 3/23/95 Time:
 From: JANEY WINEINGER
 Company: NATIONAL RIFLE ASSN.
 Location: @HICKALDON Dept. Charge:
 Fax #: 745-6166 Telephone #: 745-2093
 Original Disposition: Destroy Return Call for pickup

RECEIVED

MAR 23 1995



NATIONAL RIFLE ASSOCIATION OF AMERICA

March 22, 1995

Senator Rick Halford, Co-Chair
 Senate Finance Committee

RE: Senate Bill 26 by Senators Donley, Kelly

The problems of juvenile crime is escalating. Criminals are younger; and more violent at a younger age. Projections based on the FBI Unified Crime Reports show that in 1993, juveniles committed: One murder ever 2 hours, one rape every hour; one robbery every 13 minutes; and one aggravated assault every 28 minutes.

The juvenile court system cannot adequately deal with violent juveniles in a manner consistent with public safety. The juvenile court system traditionally felt that most juvenile offenders were easily rehabilitated; and provided punishments that stressed discipline and structure. Often, this involved placing the juvenile back into society, where the offender would commit additional crimes. Clearly, for certain violent offenses and repeat offenders, this "soft" punishment is inappropriate.

Juvenile court systems only have jurisdiction over a juvenile until their 18th or 21st birthday. Even for those incarcerated for heinous crimes such as murder or rape, this can mean mandatory release when the offender reaches the age of majority.

Senate Bill 26 addresses problems with the current juvenile justice system in Alaska. However, SB26 could be strengthened by broadening the criteria for mandatory transfer into adult court.

SB26 would make transfer into criminal court mandatory for a 14 year and who uses a firearm in the commission of a crime; and had previously been adjudicated delinquent or adjudicated as an adult of another offense involving the use of a firearm.

By limiting mandatory transfer to those narrow criteria, many violent juvenile offenders would remain in the juvenile court system. NRA Crimestrike recommends that transfer to criminal court be mandatory at age 14 for those who commit a crime of violence. Crime of Violence includes; murder, rape, manslaughter, armed robbery, drive by shooting, aggravated assault, leading organized crime, etc.

By limiting mandatory transfer to those narrow criteria, many violent juvenile offenders would remain in the juvenile court system. NRA Crimestrike recommends that transfer to criminal court be mandatory at age 14 for those who commit a crime of violence. Crime of Violence includes; murder, rape, manslaughter, armed robbery; drive-by shooting; aggravated assault; leading organized crime; arson of an occupied structure and child abuse or molestation.

Further, SB26 should be amended to require the transfer into juvenile court for those who use any object as a weapon in the commission of a felony, not just a firearm. Knives are the weapon of choice for many juvenile criminals: knives are commonly the weapon confiscated by school officials. Overall, firearms are used in only 30% of all violent crimes.

Therefore, it is our suggestion that the language on Page 2, Lines 6-16 be struck, and in its place the following language be substituted:

(1) the minor was at least 14 years of age and is arraigned on a charge

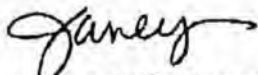
(A) {{1}} that is an unclassified felony or a class A felony and the felony is a crime against a person;

or

(B) {{2}} of arson in the first degree; or

(C) that is a felony offense involving the actual or threatened use of a deadly weapon or dangerous instrument, or the intentional or knowing infliction of serious physical injury upon a victim.

Respectfully,



Laura Jane Wineinger, Alaska Grassroots Coordinator
National Rifle Association
PO Box 671430
Chugiak, AK 99567
(907) 745-2093 Fax: (907) 745-6166

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/16/95

FURTHER Finance

Date of 5-Day Notice: March 9, 1995
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-17-95

DP

Judiciary Committee considered SENATE BILL NO. 26

QFN's

Automatic waiver of juvenile jurisdiction and prosecution of minors as adults for certain violations of laws by minors who use firearms to commit criminal offenses and relating to the sealing of the records of those minors.

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 DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>see below</i>		<input checked="" type="checkbox"/>	
<i>Lynne McLean</i>	<input checked="" type="checkbox"/>	<i>see below</i>		<input checked="" type="checkbox"/>	
CHAIR: <i>Robin T. ...</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>MISS. DEVS</i>	<i>2/16/95</i>	<input checked="" type="checkbox"/>	
<i>Public Safety - Troopers</i>	<i>2/09/95</i>	<input checked="" type="checkbox"/>	
<i>Law</i>	<i>2/10/95</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

#3 2123195
(S) JUD, FIN

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB26

Revision Date: _____
 Title: Providing for Automatic Waiver of minors who
use firearms to commit criminal offenses
 Sponsor: Senators Kelly, Donley
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southcentral Region
 COMPONENT SERIAL NO. 254
 See also (SN#): 255.258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

There will be no increase in cost to the division since this legislation does not add new clients.

Prepared by: Kathy Tibbles, Acting Director
 Division: Family & Youth Services

Phone: 465-3191
 Date: 02/14/95

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 2/16/95

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#12 3113195
(S)JUD, FIN

FISCAL NOTE

STATE OF ALASKA

BILL NO: SB 26

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: Offenses by juveniles using firearms Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Donley
 Requestor: (S)JUD 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-

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 impact on the Alaska State Troopers.

Prepared By: Francis C. Allan Phone: 269-5891
 Division: Alaska State Troopers Date: 03/09/95
 Approved by Commissioner: *D. J. Smith* Date: 3-9-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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SB 26

#1 2/23/95
(S)JUD.
FIN

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 26

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...automatic waiver of juvenile jurisdiction...minors BRU: Prosecution
who use firearms to commit criminals offenses..." Component: All
 Sponsor: Senator Donley
 Requester: Senator Donley COMPONENT SERIAL NO. 0085-90

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 93	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 waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a firearm in the commission of the offense, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of firearms in the commission of the offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. This number includes all types of weapons and not just firearms. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/10/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/10/95
 Agency: Department of Law

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(7) "correctional facility" means premises, or a portion of premises, used for the confinement of persons under official detention;

(8) "credit card" means any instrument or device, whether known as a credit card, credit plate, courtesy card, or identification card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining property or services on credit;

(9) "crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor;

(10) "culpable mental state" means "intentionally", "knowingly", "recklessly", or with "criminal negligence", as those terms are defined in (a) of this section;

(11) "dangerous instrument" means any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury;

(12) "deadly force" means force that the person uses with the intent of causing, or uses under circumstances that the person knows create a substantial risk of causing, death or serious physical injury; "deadly force" includes intentionally discharging or pointing a firearm in the direction of another person or in the direction in which another person is believed to be and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument;

(13) "deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive;

(14) "deception" means to knowingly

(A) create or confirm another's false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind;

(B) fail to correct another's false impression that the defendant previously has created or confirmed;

(C) prevent another from acquiring information pertinent to the disposition of the property or service involved;

(D) sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record; or

(E) promise performance that the defendant does not intend to perform or knows will not be performed;

(15) "defense", other than an affirmative defense, means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the state then has the burden of disproving the existence of the defense beyond a reasonable doubt;

(16) "drug" has the meaning ascribed to it in AS 11.71.900(9);

(A) create or confirm another's false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind;

(B) fail to correct another's false impression that the defendant previously has created or confirmed;

(C) prevent another from acquiring information pertinent to the disposition of the property or service involved;

(D) sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record; or

(E) promise performance that the defendant does not intend to perform or knows will not be performed;

(15) "defense", other than an affirmative defense, means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the state then has the burden of disproving the existence of the defense beyond a reasonable doubt;

(16) "defensive weapon" means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury;

(17) "drug" has the meaning ascribed to it in AS 11.71.900(9);

(18) "dwelling" means a building that is designed for use or is used as a person's permanent or temporary home or place of lodging;

(19) "explosive" means a chemical compound, mixture, or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including dynamite, blasting powder, nitroglycerin, blasting caps, and nitrojelly, but excluding salable fireworks as defined in AS 15.72.050, black powder, smokeless powder, small arms ammunition, and small arms ammunition primers;

(20) "felony" means a crime for which a sentence of imprisonment for a term of more than one year is authorized;

(21) "fiduciary" means a trustee, guardian, executor, administrator, receiver, or any other person carrying on functions of trust on behalf of another person or organization;

(22) "firearm" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury;

(23) "force" means any bodily impact, restraint, or confinement or the threat of imminent bodily impact, restraint, or confinement. "force" includes deadly and nondeadly force;

(24) "government" means the United States, any state or any municipality or other political subdivision within the United States or its territories; any department, agency, or subdivision of any of the fore-

SB

28

HFIN

FILE



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

**Sectional Analysis
for
CS for Senate Bill 28 (Fin)**

Section #1 - Requires an additional I/M inspection and maintenance certificate in order to transfer the title of a vehicle if

- 1) the transferee resides in an I/M inspection area.
- 2) the motor vehicle was manufactured in 1987 or earlier.
- 3) the motor vehicle would be subject to an emissions inspection and maintenance program.
- 4) the motor vehicle had not been inspected for emissions or the existing emissions inspection certificate is more than 12 months old.

Section #2 - Waives the additional fee of \$10 for people who have their motor vehicle registration renewed at a emission inspection station.

Section #3 - Increases the fee collected by Division of Motor Vehicles (DMV) for vehicles required to be inspected under an emission control program from \$1 to \$2. This increase would offset the loss of revenue DMV would incur should biennial testing be implemented.

Section #4 & 5 - Requires that emission inspections be biennial rather than annual and also provides an enforcement provision that would fine owners of motor vehicles \$200 if they are found guilty of operating their vehicle without a current and valid I/M certificate or sticker. There is also intent language that would allow the Department of Environmental Conservation (DEC) to appropriate the monies collected from these fines for promotion of air quality control programs and enforcement procedures in municipalities.

Section #6 - Provides for an effective date of July 1, 1995 allowing DEC to begin enforcement of the infractions set out in sections 4 & 5 of the bill.

Section #7 - Provides for an effective date of July 1, 1996 which would allow DMV and DEC adequate time to implement the changes incorporated in this bill.

DD/ija

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-5571

MEMBER: Senate Finance Committee • Senate State Affairs Committee

Printed in Homer



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sponsor Statement for Senate Bill 28 An Act to allow biennial motor vehicle emission inspection testing

Senate Bill 28 would allow automobile emission inspection tests to be biennial rather than annual saving thousands of Alaskans both time and money. SB 28 gives the Department of Environmental Conservation (DEC) some additional emission inspection authority with which the DEC believes they can obtain approval for biennial testing from the U.S. Environmental Protection Agency (EPA). The bill also waives the additional fee of \$10 for people who have their motor vehicle registration renewed at a emission inspection station.

EPA has dictated that the Municipality of Anchorage (MOA) and the Fairbanks North Star Borough (FNSB) attain compliance with National Ambient Air Quality Standard. The MOA and FNSB have developed I/M programs designed to meet the minimum performance standard established by EPA. EPA must approve each of their I/M programs annually.

EPA provides a motor vehicle emissions model which contains certain guidelines and steps that demonstrate ways a community can achieve the National Ambient Air Quality Standard. If biennial testing is implemented, other steps or restrictions may be required by EPA in order to attain the Ambient Air Quality Standard.

If biennial I/M testing is implemented, SB 28 would require an I/M inspection certificate in order to transfer the title of the vehicle. This additional requirement applies if the transferee resides in an I/M inspection area, if the motor vehicle was manufactured in 1987 or earlier, if the motor vehicle is subject to an emissions inspection maintenance program, and if the motor vehicle had not been inspected for emissions or the existing inspection certificate is more than 12 months old.

Persons operating motor vehicles in an I/M containment area without a current valid emissions inspection and maintenance certificate would face a stiffer penalty under SB 28. This infraction would only apply to those vehicles who are subject to an emissions inspection and maintenance program. DEC would begin enforcement of this infraction on July 1, 1995. There is intent language that would allow DEC to appropriate the monies collected from these fines to promote air quality control programs in municipalities.

These additional provisions were added to allow the MOA and FNSB to achieve the minimum performance standard as established by EPA for a basic I/M program.

The Division of Motor Vehicles and DEC support SB 28.

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-5571

MEMBER: Senate Finance Committee • Senate State Affairs Committee

HOUSE COMMITTEE REPORT

(11)

Date Referred: May 2, 1995

FURTHER REFERRALS:

Date of Committee Action: 5/4/95

The FINANCE Committee considered:

CSSB 28(FIN)(title am)

CS FOR SENATE BILL NO. 28(FIN)(title am)

MOTOR VEHICLE REG FEE/EMISS'N INSPECTIONS

"An Act requiring emissions inspection upon certain transfers of motor vehicle ownership; relating to fees for registration not conducted at a motor vehicle emissions inspections station and fees for motor vehicle emissions control programs; limiting motor vehicle emissions inspection to not more than once every two years and imposing a penalty for operating a motor vehicle in violation of emissions requirements; and providing for an effective date."

recommends it be replaced [] the same title
 with the following committee substitute [] 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) _____

[x] fiscal note(s) DEC 4/19/95
DPS 4/29/95

[] zero fiscal note(s) _____

[] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Edna Mulder</i>			X	
<i>Terra Martin</i>	X			
<i>Lisa Kohring</i>			X	
<i>Kelly O</i>	✓			
<i>Gene Theriault</i>			X	
<i>Jay Brown</i>	✓			

ACTING CHAIR'S SIGNATURE *Edna Mulder*

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: CSSB 28(FIN)

Revision Date: 4/28/95 Dept. Affected: Public Safety
 Title: An Act repealing an additional fee for motor BRU: Motor Vehicles
vehicle registration not conducted by mail... Component: Field Services
 Sponsor: Senator Donley
 Requestor: S. FIN. COMPONENT SERIAL NO. 0502

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	36.1	36.1	36.1	36.1	36.1	36.1
TRAVEL						
CONTRACTUAL	12.7	1.5	1.5	1.5	1.5	1.5
SUPPLIES						
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	58.8	37.6	37.6	37.6	37.6	37.6

CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES (1005)	Revenue Code					
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FUNDING: (Thousands of Dollars)

*002 Federal Receipts						
*003 GF Match						
*004 GF	58.8	37.6	37.6	37.6	37.6	37.6
*005 GF/Program Receipts						
*006 GF/MHTIA						
Other						
TOTAL	58.8	37.6	37.6	37.6	37.6	37.6

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

POSITIONS:

FULL-TIME	1	1	1	1	1	1
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: 269-5559
 Division: Motor Vehicles Date: 4/28/95
 Approved by Commissioner: *Ronald L. Otte* Date: _____
 Agency: Ronald L. Otte, Dept. of Public Safety

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Analysis

In the emission inspection areas of Anchorage and Fairbanks there were 40,000 ownership changes in 1993 and 30,000 in 1994. For this analysis the average figure of 35,000 ownership changes will be used. This is the total number of vehicles that must be checked to see if they meet the requirement of having an additional I/M inspection at change of ownership. The DMV employee must determine if the vehicle meets the general age and weight criteria for inspections, whether the vehicle is 1987 model or older, and whether the vehicle has had an inspection within the last year. This checking will increase the average time for each transaction because only a portion of it can be automated. Additional time will be required to explain the requirements to owners and for the second visit required by those who do not meet the requirements on the first visit.

Since the circumstances vary so much it is not practical to quantify each individual transaction but it is estimated that this additional work will increase the overall workload by 1% so DMV will increase staffing by 1% or 1 PFT. The cost detail for the one PFT is as follows:

1 Motor Vehicle Rep I/II	\$36.1
CP costs for 1 AFSIN terminal	\$ 5
Equipment, 1 computer workstation	\$10.0
150 Hours of Contract Programming @ \$75 Hr..(One-time costs)	\$11.2
Data center charge for on line storage	\$ 1.0
Total	\$59.9

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB-28(s)

Revision Date: 14-Apr-95
Title: Motor Vehicle Registration Fee/Emission Inspection
Sponsor: Senator Donley
Requestor: (S)TRA

Department Affected: Environmental Conservation
BRU: Environmental Quality
Component: Air Quality

COMPONENT SERIAL NO. 1428

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	250.0	50.0	50.0	50.0	50.0	50.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	250.0	50.0	50.0	50.0	50.0	50.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	50.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipt	200.0	50.0	50.0	50.0	50.0	50.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
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
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: Larry Jones
Division: Director, Division of Administrative Services

Phone: 465-5010
Date: 4/14/95

Approved by Commissioner: *[Signature]*
Agency: Department of Environmental Conservation

Date: 4/14/95

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Attachment for

FISCAL NOTE - Proposed SB28(s)

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The existing vehicle inspection and maintenance (I/M) program requires vehicles to be inspected on an annual basis. Vehicle owners must provide the Division of Motor Vehicles with an I/M certificate indicating that the vehicle has passed the emissions test in order to register their vehicle. SB-28(s) would require vehicles subject to I/M programs to be inspected and certified on a biennial basis, rather than the annual basis.

While providing relief to many vehicle owners, a biennial provision would make it harder to detect program evaders. A biennial program would provide owners who illegally register their vehicles to areas outside of an I/M program area, or who typically avoid registering their vehicles, a biennial opportunity to legally register their vehicles without dealing with the I/M requirements. In addition, the Department must treat each violator as a misdemeanor. Therefore, prosecution is expensive and time consuming. The combined conditions would encourage additional program evasion. The Department expects SB-28(s) to reduce program effectiveness by 5 to 15 percent. However, some of the reduction in effectiveness could be offset with minor program adjustments.

SB-28(s) addresses the enforcement concern by allowing a \$200 fine to be issued to an owner of a vehicle subject to an I/M program, which is caught being operated in an I/M area without a current and valid I/M certificate or sticker. The fine simplifies the enforcement effort and provides a relatively stiff penalty, which should help deter program evasion.

The proposed SB-28(s) would also allow the funds collected from the enforcement effort to be used by the Department to enhance the capability to electronically obtain and share enforcement related data with the Division of Motor Vehicles, and to conduct I/M enforcement efforts.

If SB-28(s) is passed, the Department would need \$250,000 in FY96 to for software development. The number of enforcement case loads would increase some, but could be handled by existing staff. The language concerning violations need to be put into both AS 28 and AS 46.14.510.

or greater than 8 ft. in width. Fee: \$5 for movement permit, required when moving unless moved by a licensed transporter or dealer.

MOTORCYCLE INFORMATION

Required Equipment: Protective glasses, goggles or windscreen; two rear-view mirrors. Helmets required on all operators and riders. Children under 5 are not allowed to be transported.

Driver's License: Required (endorsement of regular license); valid for four years; expires on licensee's birthday. Original endorsement \$10. Renewal \$7.50.

License Plates: Required; valid for one year; expiration staggered throughout the year.

Title: Required; fee, \$4 plus sales or use tax. \$1 filing fee plus \$27.85 basic fee, plus excise tax.

Daytime Headlight: While operating a motorcycle during daylight hours, the use of a headlight is required.

Special Driving Rules: Lights required on at all times; riding between lanes prohibited.

MOPEDS

Registration: Required. Fee, \$8.50 original; renewal yearly, \$7.50.

Driver's License: Valid driver's license required; valid for four years.

Minimum Age: 16.

Safety Equipment Required: Headlamp, red tail light, red stop light, white license plate light, red reflector on each side at rear, amber reflector on each side of front, rear-view mirror and brakes on each wheel. If moped does not have windshield, driver must wear goggles, glasses, or a face shield for eye protection. Helmets on all operators and riders. No riders 5 or under.

Special Driving Rules: Cannot be ridden on bicycle path or trail, equestrian (horse) trail, hiking or recreational trail, sidewalk, or upon any fully controlled limited access highway.

MOTORIST LIABILITY LAWS

Financial Liability Law: Mandatory Liability Insurance Law. **Financial Responsibility Law:** Has security and future-proof type law applicable in event of accident causing property damage in excess of \$500 to one person's property or personal injury requiring attention of doctor or death. Minimum financial responsibility limits: \$25,000/50,000/10,000.

As of 1-1-90, motorists must carry on their person proof of auto insurance or financial. Carries a \$475 fine for noncompliance and applies to out-of-state motorists with similar proof-of-insurance cards.

State has Nonresident Service of Process Law.

ACCIDENT REPORTS

Accidents involving death, personal injury or property damage of \$500 or more to one person's property must be reported within 24 hours to chief of police if in city, to county sheriff or state patrol if outside city.

BAIL BOND

Statutory recognition of AAA arrest bond certificates for traffic infractions does not cover driving while intoxicated.

CHEMICAL TEST LAW

Has law with implied consent provision. Breath test authorized. Presumptive level: .10%. Driving (riding) a moped, bicycle, or horse while under the influence of alcohol is illegal and a punishable offense.

MOTOR VEHICLE INSPECTIONS

Safety: Required on out of state vehicles before purchasing licenses in Washington, and on vehicles which have been salvaged. Also required as a result of a citation for defective equipment on all salvaged vehicles.

Emission: Annual emission tests in King County and Spokane. Washington State Patrol 'spot checks' have been ruled unconstitutional and discontinued.

NONRESIDENT VIOLATOR COMPACT

State is not a member.

HIGHWAY PATROL/STATE PATROL

Headquarters, General Administration Bldg. AX-12, Olympia, WA 98504; Commanding Officer, George B. Tellevik, Chief. (206) 753-6540, (FAX) (206) 753-2492.

WEST VIRGINIA

Jane L. Cline, Commissioner, Division of Motor Vehicles, 1800 Washington, East Charleston, WV 25317. (304) 348-3900.

MOTOR VEHICLE REGISTRATION

Proof of Vehicle Ownership: Required. Certificate of Title must be obtained immediately upon registration in West Virginia. Application must be made to Department of Motor Vehicles and must be accompanied by previous owner's assigned Certificate of Title and Federal Odometer Statement (if vehicle is less than 10 years old). Fee, \$5. All liens on vehicle must be recorded with Motor Vehicle Department. Fee, \$5. Mobile homes are titled.

Upon transfer of ownership, seller must deliver endorsed Certificate of Title to buyer within sixty days