

ALASKA LEGISLATURE

1679

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

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

MEMORANDUM

January 16, 1998

SUBJECT: Sectional Summary - CSHB 245() (Work Order No. 20-LS0450\P)

TO: Representative Fred Dyson
Attn: Lisa

FROM: Gerald P. Luckhaupt *JPL*
Legislative Counsel

You have asked for a sectional summary of the above-referenced bill. A sectional summary is not an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.56 by creating a new crime that provides that a prisoner may not use the right to make a telephone call granted under AS 12.25.150(b) to contact the victim of the prisoner's offense.

Section 2 of the bill limits an arrestee's right to use the telephone after arrest; provides that an arrestee may not call or otherwise contact the alleged victim.

Section 3 of the bill provides that this section only applies for sentencing purposes if AS 12.55.135(g) does not apply.

Section 4 of the bill establishes minimum sentences for persons engaging in domestic violence by violating AS 11.41.230, assault in the fourth degree, that is a crime involving domestic violence.

Section 5 of the bill amends AS 12.45.145(a) to provide when prior convictions may be considered for sentencing purposes under AS 12.55.135(g).

Sections 6 - 8 of the bill provide conforming changes to the change made in section 5 of the bill.

Section 9 of the bill amends Rule 5(b), Alaska Rules of Criminal Procedure, to provide a change that corresponds to the change made in sec. 1 of the bill.

Representative Fred Dyson
January 16, 1998
Page 2

Section 10 of the bill provides a notice section to announce that sec. 1 of the bill effects a court rule change.

Section 11 of the bill provides that secs. 1, 2, and 9 only take effect if those sections receive the two-thirds vote required under the Constitution for court rule changes.

Section 12 of the bill provides an applicability section.

GPL:jdr:glc
98-012.jdr

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

MEMORANDUM

January 15, 1998

SUBJECT: Domestic Violence CSHB 245(Work Order No. 20-LS0450\P)

TO: Representative Fred Dyson
Attn: Lisa

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

Enclosed is the CS you requested. The CS() addresses the two concerns I had with CSHB 245(JUD) as it passed out of the Judiciary Committee.

1. Amendment 2 adopted by the Judiciary Committee added bill sec. 2, of CSHB 245(JUD). This section is a new subsection to AS 12.25.150 that creates a new crime, punishable as a class B misdemeanor, that proscribes the conduct by a prisoner in contacting the alleged victim of the offense the prisoner has been arrested for when the prisoner is allowed access to a telephone under AS 12.25.150. The placement of this new offense in AS 12 is incorrect. This new offense should be placed in AS 11, where the legislature defines offenses, including offenses that are related to a person's conduct in jail or their conduct vis-a-vis their victim. e.g., in the domestic violence area. AS 12 sets forth the procedures to be utilized when someone is investigated for, charged with, or convicted of a crime and the legislature commonly has not previously located crimes in this title. Section 1 of the CS() places this new offense in AS 11.

2. The first amendment adopted by the Judiciary Committee amended AS 12.55.135(c). See bill sec. 3, CSHB 245(JUD). This amendment provided that a person who commits assault in the fourth degree in violation of the provisions of AS 12.30.025 or 12.30.027 is subject to the minimum sentence provided in that section. My concern is that this section would apply even if the person assaulted is not the domestic violence or stalking victim, or family members of the victim or the offender, but the facts of the assault collaterally violate the bail conditions (the offender was drunk, possessed a firearm, was at a certain place or within, etc.).^{1/} To maintain the nexus that is intended by this section, I have inserted the following language into bill section 3 following "degree": ", that is a crime involving domestic violence,"

^{1/} This concern is also applicable to the existing language of AS 12.55.135(c) dealing with domestic violence orders.

Representative Fred Dyson
January 16, 1998
Page 2

If you have any with questions, please contact me at your convenience.

GPL:glc
98-014.glc

Enclosure



February 19, 1998

1057 W. Fireweed Ln, Suite 230
Anchorage, Alaska 99503

Representative Fred Dyson
State Capitol
Room 428
Juneau, Alaska 99801-1182

Business 907/276-7279
24 Hour Crisis 907/276-7273
Toll Free 1-800-473-8399
Fax 907/276-9903
TTY 907/276-4908

Dear Representative Dyson:

This letter is in support of House Bill 245, graduated penalties for repeat 4th degree assault domestic violence offenses and prohibiting a prisoner from contacting the victim of the offense immediately after an arrest. We appreciate your sponsoring this legislation.

STAR focuses mainly on the victims of sexual assault and sexual abuse. At the same time, the problem of domestic violence is a prevalent factor that many of our victims suffer from in addition to sexual violence. It is known that the offenders of domestic violence often continue their abuse while incarcerated via phone calls and other means of contact to keep tabs on the victim. By prohibiting the offender from making these contacts, we can take another step toward alleviating the suffering that victims of domestic violence live with.

We support the passing of House Bill 245, which is scheduled to be heard in House Finance on Thursday, February 19th. Thank you for sponsoring this bill, and feel free to contact me for further letters of support.

Sincerely,

Trisha Gentle
Executive Director

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE

TO: CSHB 245 ()

Version LS0450\P

Page 1, line 2:

Following "violence;"

Insert "relating to violation of a no contact order;"

Page 1, following line 6:

Insert a new bill section to read:

* **Section 1.** AS 11.56 is amended by adding the following:

Sec. 11.56.755. Violating a no contact order. (a) A person commits the crime of violating a no contact order if the person

(1) has been ordered not to contact a victim or witness of the offense as

(A) part of a sentence imposed under AS 12.55.01; or

(B) as a condition of

(i) release under AS 12.30.025 or 12.30.027;

(ii) probation under AS 12.55.101; or

(iii) parole under AS 33.16.150; and

(2) either directly or indirectly, knowingly contacts or attempts to contact

the victim or witness in violation of the order.

(b) Violating a no contact order is a class A misdemeanor.

Renumber the following bill sections accordingly.

Page 2, following line 6:

Insert a new bill section to read:

* Sec. 4. AS 12.55.015(a) is amended to read:

(a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing sentence on a defendant convicted of an offense, may singly or in combination

(1) impose a

(A) fine when authorized by law and as provided in AS 12.55.035;

(B) day fine when authorized by law and as provided in

AS 12.55.036, if the court does not impose a term of periodic or continuous imprisonment or place the defendant on probation;

(2) order the defendant to be placed on probation under conditions specified by the court that may include provision for active supervision;

(3) impose a definite term of periodic imprisonment;

(4) impose a definite term of continuous imprisonment;

(5) order the defendant to make restitution under AS 12.55.045;

(6) order the defendant to carry out a continuous or periodic program of community work under AS 12.55.055;

(7) suspend execution of all or a portion of the sentence imposed under AS 12.55.080;

(8) suspend imposition of sentence under AS 12.55.085;

(9) order the forfeiture to the commissioner of public safety or a municipal law enforcement agency of a deadly weapon that was in the actual possession of or used by the defendant during the commission of an offense described in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;

(10) order the defendant, while incarcerated, to participate in or comply with the treatment plan of a rehabilitation program that is related to the defendant's offense or to the defendant's rehabilitation if the program is made available to the defendant by the Department of Corrections;

(11) order the forfeiture to the state of a motor vehicle, weapon, electronic communication device, or money or other valuables, used in or obtained through an offense that was committed for the benefit of, at the direction of, or in association with a criminal street gang;

(12) order the defendant to have no contact, either directly or indirectly, with a victim or witness of the offense until the defendant is unconditionally discharged.

Renumber the following bill sections accordingly.



House Finance Committee

DATE: February 19, 98

PLACE: Capitol 519

SUBJECT OF MEETING:

HB 231
HB 245

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Jim Stratton	State Parks	3621 C St. Anch. Anch.	99503		267-8700	Y <input checked="" type="radio"/> N	HB 231
① A. Carpenter	Law	Room 717 Ct Bldg	99511		465-3424	Y <input checked="" type="radio"/> N	HB 245
						Y <input type="radio"/> N	
						Y <input type="radio"/> N	
						Y <input type="radio"/> N	
						Y <input type="radio"/> N	
						Y <input type="radio"/> N	
						Y <input type="radio"/> N	
						Y <input type="radio"/> N	
						Y <input type="radio"/> N	
						Y <input type="radio"/> N	

HB

250

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 25, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/29/97

The FINANCE Committee considered:

HB 250

HOUSE BILL NO. 250

NORTH SLOPE GAS COMM. TEAM

“An Act establishing a North Slope Gas Commercialization Team to develop recommendations regarding a North Slope gas project; and providing for an effective date.”

recommends it be replaced with the following committee substitute

CS HB 250 (0:9)

[] the same title
[] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

[] fiscal note(s) _____

[] fiscal note(s) _____

[] zero fiscal note(s) HFC

[] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Cene Thernault</i>			X	
<i>Terry Martin</i>				X
<i>De Kohring</i>	X			
<i>J. Davis</i>				X
<i>Grussendorf</i>				X
<i>Mullen</i>	X			
<i>Keily</i>	X			
<i>G. Davis</i>			X	

*fiscal note
should not be needed.*

CHAIR'S SIGNATURE

Cene Thernault

Revision Date: _____ Dept. Affected: Revenue
 Title: North Slope Gas Commercialization BRU: Administration and Support
 Component: Commissioner's Office
 Sponsor: Governor
 Requestor: RLS COMPONENT SERIAL NO. 123

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	50.0 **					
TRAVEL	38.0 **					
CONTRACTUAL	150.0 **					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	238.0	0.0	0.0	0.0	0.0	0.0

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

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	238.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	238.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

In continuing the efforts to develop the North Slope Gas Project, funding is needed to accomplish the following:

1. staff work to complete the research and analysis to develop specific fiscal terms for proposed legislation and contract terms and staff work to facilitate commercialization team meetings and travel;
2. consultant to advise state on fiscal system;
3. coordination of the state's efforts with leaseholders and potential project sponsors;
4. perform a socioeconomic study of the effects the project would have on the state.

** Estimates may require further refinements.

Prepared by: Tamar diFranco
 Division: Commissioner's Office
 Approved by Commissioner: Wilson L. Condon
 Agency: Revenue

Phone: 465-2300

Date: April 11, 1997

Date: April 11 1997

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

COMMITTEE COPY

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 250 (O&G)

Title: North Slope Gas Commercialization
Sponsor: Governor
Requestor: _____

Dept. Affected Revenue
BRU: Administration and Support
Components: Commissioner's Office
Serial # 123

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	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

POSITIONS :

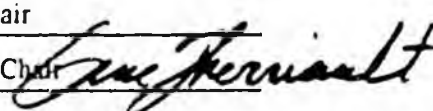
Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: House Finance Committee
Rep. Mark Hanley, Co-Chair
Rep. Gene Therriault, Co-Chair

Date: 4/29/97
Phone: 465-4939
Phone: 465-4797



TONY KNOWLES
GOVERNOR

HB 250
P O Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 11, 1997

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker *Gail* Phillips:

Developing our enormous North Slope natural gas resources is a significant opportunity for creating Alaska jobs and providing a secure economic base upon which to build Alaska's future. This bill I transmit today establishes the North Slope Gas Commercialization Team to identify and develop steps the state can take, in cooperation with the North Slope leaseholders and other potential sponsors, to make a North Slope gas project a reality.

To date, the development of North Slope natural gas resources has not been economically feasible or competitive with alternative sources of energy. North Slope leaseholders estimate a \$15 billion cost for the facilities to develop these resources, including a gas conditioning plant, an 800-mile pipeline, a liquefaction plant to convert natural gas into liquefied natural gas (LNG), LNG storage facilities, and LNG tankers.

There is relatively little the state can do to reduce the capital costs of a North Slope gas project. There are steps the state can take to improve a project's economic feasibility and competitiveness. The state has received guidance from a report commissioned by the Department of Revenue. This report reviews Alaska's tax and royalty structure, evaluates the competitiveness of the project internationally, and recommends in general terms possible modifications to the state's tax and royalty structure to improve the economic feasibility and competitiveness of a project.

The Administration also has received guidance from the legislature. In House Concurrent Resolution 1, the legislature requested the governor and North Slope gas resource leaseholders develop a contract to execute with sponsors of an LNG project, as well as appropriate enabling legislation. The contract and legislation would establish the nature, degree, and duration of the fiscal terms that would best facilitate a project.

The Honorable Gail Phillips

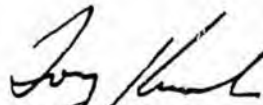
April 11, 1997

Page 2

This bill creates the administrative structure necessary to evaluate recommended changes to the tax and royalty system and carry out the wishes of the legislature as expressed in HCR 1. The North Slope Gas Commercialization Team would determine how to improve the economic feasibility and competitiveness of a North Slope gas project while protecting the public interest. The team also could help develop legislation to enable the state to enter into the contract, provide a stable fiscal and regulatory structure for the project, aid permitting, ensure a maximum number of Alaska residents and Alaska businesses are hired to construct and operate the project, protect the environment, health and safety of workers and the public, and provide natural gas to Alaska communities.

This bill is an important step forward in developing Alaska's North Slope natural gas resources. I urge your prompt consideration and passage of this bill.

Sincerely,



Tony Knowles
Governor

.115-1

2:00

HOUSE FINANCE COMMITTEE

MEETING OF 4/29/97

MEMBER	PRESENT	ABSENT
MOSES	✓	
DAVIS, GARY	✓	
KELLY	✓	
FOSTER	✓	
THERRIAULT	✓	
HANELY		
MULDER	✓	
MARTIN	✓	
KOHRING	✓	
DAVIES, JOHN	✓	
GRUSSENDORF	✓	

Hodgins

Cordon

Fuchs
Erickson

TELECONF

(1)

Tanna di Franco

Rev - Spec Ans

Maryn Wilson STAFF

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

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

MEMORANDUM

April 18, 1997

SUBJECT: Draft CSHB 250 (): confidential records considerations (Work Order No. 20-GH0110\B)

TO: Representative Mark Hodgins
ATTN: Pat Carter

FROM: Jack Chenoweth
Legislative Counsel

If there were no bill or no provision in this bill addressing the disclosure of otherwise confidential information, then it appears to me that --

-- under AS 38.05.036(b), information relating to royalty and net profits paid by lessees, that may be examined or audited by the Department of Revenue, thereafter is to be held confidential by the Department of Revenue "to the extent required under oil and gas agreements, contracts, or leases, or by [AS 38.05] or AS 43.05.230;

-- AS 09.25.100 speaks of the confidentiality of certain information in the possession of the Department of Revenue and the disclosure of that information when production is required "in an official investigation", though "official investigation" is not defined;

-- the Department of Law has concluded that AS 43.05.230, in conjunction with AS 09.25.100, permits disclosure of confidential tax records--presumably this extends to records relating to royalty and net profit payments, too--to members of the Legislature (Opinion of the Attorney General, January 12, 1989, copy enclosed);

-- there seems to be at least a tacit understanding that confidential information may be disclosed to legislators under certain circumstances if only because AS 24.60.060 makes the unauthorized disclosure of information made confidential by law and obtained by a legislator or legislative employee in the course of official duties both an ethics violation and the subject of possible criminal prosecution (AS 11.56.860, misuse of confidential information punishable as a class A misdemeanor).

Representative Mark Hodgins

April 18, 1997

Page 2

All of this does, of course, concern itself with information made confidential by law-- particularly information relating to taxes and to royalty and net profits payments. Our earlier phone discussion, and sec. 3(c) of the bill draft, also touched on the degree of protection offered for "proprietary information." "Proprietary information" is not a term that appears in the Public Records provisions, AS 09.25.100 - 09.25.220, nor in the Alaska Land Act, AS 38.05, nor in the tax title, AS 43. So it looks to me that proprietary information would not enjoy treatment on the same basis as information obtained in the course of administration of tax laws and of royalty and net profit payment arrangements on leases. Also, please note that there is no fixed definition of "proprietary information" in either the Alaska Statutes or in regulations implementing and interpreting existing statutes, and without a certain definition there may be disagreement as whether particular information is or is not truly "proprietary".

JBC:glc
97-456.glc

Enclosure

ALASKA STATE LEGISLATURE

SPEAKER OF THE HOUSE GAIL PHILLIPS

RECEIVED
APR 23 1997 - 1:10 PM

April 22, 1997

The Honorable Tony Knowles
Governor, State of Alaska
PO Box 110001
Juneau, Alaska 99811-0001

RE: North Slope Gas Commercialization Team

Dear Governor Knowles:

Thank you for your continued support and work on the trans-Alaska Gas Line. This project will provide thousands of jobs for Alaskans and help propel Alaska into the 21st century. However, the introduction of HB 250 has raised some concerns within the Legislature.

One of the main concerns is that the Commercialization Team does not have a defined goal to work toward. The team is tasked with attempting to identify terms within the state fiscal structure to enhance the economics of the project in order to make it economically viable. I would suggest that the bill should define a target for economic feasibility. This will give the team a goal that should enhance the likelihood of success.

Potential project sponsors, who have voluntarily declared an interest and who continue to show interest in the project, will be critical to the success of the Commercialization Team. The project sponsors will likely have differing goals and I believe that the process would be assisted if the potential sponsors began the formation of a sponsor structure with which the Commercialization Team could begin negotiations. To attempt to negotiate with each individual potential sponsor would be unnecessarily cumbersome and almost certainly doom the Team to failure.

I am also concerned with some of the language contained in Section 2 (e). Specifically, the deadline of February 13, and the language that gives the Commercialization Team the alternative to not have their work completed by the proposed deadline - "...except if the North slope Gas Commercialization Team determines that additional work needs to be done to develop a comprehensive set of recommendations, the team shall, by February 13, 1998, provide to the Governor and the legislature an interim report on the work that the team has completed, the work remaining to be done, the reasons for the additional time

needed, and the anticipated date on which the final report will be provided to the Governor and notification of the report's availability will be provided to the Legislature." This language will likely guarantee that the Commercialization Team will miss the deadline and I strongly suggest that it be removed from the bill. As we both know, deadlines can be extremely effective as a motivational tool. I would also suggest the date be amended to the first day of the legislative session, January 12, 1998.

There is also a great deal of concern over the fiscal note. The current fiscal note appears to be unnecessarily high since all of the team members already work for the state.

In closing, I respectfully request that you address the following concerns as soon as possible.

- What will the Commercialization Team use as a target to determine commercial viability?
- Who will the Commercialization Team negotiate fiscal terms with?
- A firm deadline of January 12, 1998 without the extension clause.
- Explanation of the large fiscal note.

Given the lateness in the legislative session I respectfully ask that you respond to this letter on or before the end of the day Thursday, April 24, 1997. Thank you for your consideration and I await your timely response.

Sincerely,



Representative Gail Phillips
Speaker of the House

cc: **Representative Ramona Barnes, Chair, House World Trade Committee**
Representative Mark Hodgins, Chair, House Oil & Gas Committee
Representative Scott Ogan, Co-Chair, House Resources Committee
Representative Bill Hudson, Co-Chair, House Resources Committee
Representative Mark Hanley, Co-Chair, House Finance Committee
Representative Gene Therriault, Co-Chair, House Finance Committee
Senator Rick Halford, Chair, Senate Resources Committee
Senator Drue Pearce, Co-Chair, Senate Finance Committee
Senator Burt Sharp, Co-Chair, Senate Finance Committee

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

April 28, 1997

Ans'd.....

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801

Gail
Dear Speaker Phillips:

Re: HB250, North Slope Gas Commercialization Team

Thank you for your interest and concerns raised in your April 22nd letter regarding HB 250, the bill I introduced on the proposed North Slope gas project. I consider this legislation to be of high priority this session because of its great potential for advancing one of the most exciting prospects for Alaskan jobs and future state revenues.

First, you are concerned the North Slope Gas Commercialization Team does not have a clearly identified goal to work toward. As you well know, economic viability is a constantly moving target. In today's circumstances, a project might be viable, while in tomorrow's circumstances, it might not be. We are trying to develop a state fiscal system which, in combination with improvements in other factors such as capitol costs and federal fiscal changes, would result in a combined project risk and rate of return comparable to the most attractive worldwide greenfield LNG projects.

Second, you are concerned that, since there is no existing project sponsor structure for the project, the Commercialization Team will not have a distinct group of people with whom to negotiate. I agree that the commercial entities interested in the Alaska project will need to organize themselves to facilitate negotiations. However, I do not believe it is necessary or advisable for the State to participate in that process. Representatives from the Far East markets have consistently and staunchly suggested to us the government should not be involved in dictating any of the commercial aspects of the project.

The Honorable Gail Phillips

April 28, 1997

Page 2

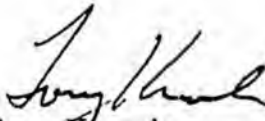
I suggest the Commercialization Team negotiate with any parties that come forward and request to be involved in the process. Clearly, gas owners and non-gas owners will have different interests in different segments of the process. I hope the Team will be able to include the appropriate interested parties at the appropriate times.

Third, you are concerned with the February 13, 1998 deadline, and the accompanying release clause which permits the Commercialization Team to submit its final report later than that date. I agree we can't let too much time pass before providing a final package of recommendations to the legislature. I am concerned we are asking the Commercialization Team to do a tremendous amount of work between now and next year. However, I support your suggestion to move the date the Commercialization Team reports to me and the Alaska Legislature to January 12, and removing the release clause.

Finally, you expressed concern about the size of the fiscal note accompanying the bill. The people who have been spending the most time on this effort for my Administration, Wil Condon, John Shively, and Bruce Botelho, have been doing so in addition to other large responsibilities. For us to do a responsible job in protecting the public interest in our negotiations with potential project sponsors, our staff will need additional resources. The fiscal note includes a small amount for staff support and travel, along with money for a consultant to address the socioeconomic impacts of the project on our state, and a consultant to continue to advise the state on important fiscal matters. I believe, in fact, this is the bare minimum we can get by with and still do a responsible job. We will supply the appropriate committees with additional budget details in support of the fiscal note.

I hope this response adequately addresses your concerns and that you will work to secure passage of this important legislation this session.

Sincerely,


Tony Knowles
Governor

Smith's use of documents that he obtained when he served an expert witness for the state in the North Slope royalty case. That case was settled in 1995, but the documents remain covered by a protective order [see **AG puts oil and gas commission on short leash**, *ALASKA BUDGET REPORT*, November 18, 1996].

In rebutting arguments against compulsory unitization of all Prudhoe interests, Smith acknowledged that the cost of imposing full unitization would be considerable, both for the AOGCC and the producers. He noted, however, that the costs of constant conflict over the unit developments have also been costly.

The economist has been a long-standing advocate of full integration of economic interests in petroleum reservoirs. AOGCC Chairman David Johnston said that Smith, who was recommended by the Department of Law, prepared the report under a \$26,000 contract with the commission.

Knowles bill cuts public access to records & meetings

Gov. Tony Knowles has introduced legislation that would restrict public access to state records and documents related to development and commercialization of North Slope gas resources.

The measure, introduced April 14, creates a North Slope gas commercialization team composed of state officials; the group is defined as "not a governmental body or public entity for purposes of [the state Open Meetings Act]." The group would, however, be permitted to meet privately with invited oil company officials or others not affiliated with state government.

Documents received or prepared by the team may be kept secret if officials say they contain or relate to sensitive, proprietary, or privileged information. The commercialization team would be dissolved after it submits its final report, but the documents classified as confidential would remain so indefinitely.

The legislation, SB 174 and companion bill HB 250, was described in the governor's April 11 press release as being necessary to "identify and develop steps the state can take, in cooperation with the North Slope leaseholders, potential project sponsors, and the federal and local governments to make a North Slope gas project a reality." [See **Knowles to present gasline incentive bills this session**, *ALASKA BUDGET REPORT*, November 18, 1996.]

Apart from the secrecy provisions, the bill does not appear to do anything that Knowles doesn't have the power to do on his own, without legislation. An April 12 story in the *Anchorage News* quoted Rep. Ramona Barnes as saying Knowles can set up such a team without help from lawmakers:

"He doesn't need a piece of legislation to set up this committee," Barnes said. "I see it as a way for the oil companies to drag their feet some more." [See **Barnes scolds gas pipeline "foot-draggers"**, *ALASKA BUDGET REPORT*, November 18, 1996, and **Barnes prods Exxon on gas project**, January 29, 1997.]

"For this governor, who's always talking about public process, it's kind of interesting that he would stick that in there," House Speaker Gail Phillips said regarding the Open Meetings Act and Public Meetings Act amendments, also as quoted in the *News*.

The team established by the bill is to deliver a "final" report to the governor by February 13, 1997, but could extend that date indefinitely by submitting an interim report with their reasons for requesting an extension. The report is to offer terms for a contract between the state and gas line sponsors, including changes to the state tax and royalty structure needed to improve the economic feasibility and competitiveness of the project, and other provisions needed to make the contract binding on the state [see **DOR offers gas consultant study, will report on fiscal changes in April**, *ALASKA BUDGET REPORT*, March 19].

Provisions of the governor's bill, except for those allowing the state to keep records of the group secret, would be repealed when the final report is submitted.

HB

252

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 13, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/30/98

The FINANCE Committee considered:

HB 252

HOUSE BILL NO. 252

REGISTRATION OF SEX & CHILD OFFENDERS

"An Act relating to criminal records; relating to notice about and registration of sex offenders and child kidnappers; and amending Rules 11(c) and 32(c), Alaska Rules of Criminal Procedure."

recommends it be replaced with the following committee substitute CS HB 252 (Fin) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

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

fiscal note(s) Court, DPS | fiscal note(s) DOA 2/18/98
DOC

zero fiscal note(s) ← zero fiscal note(s) LAW 2/18/98
DA

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Theriault</i>	Theriault	X			
<i>Alan Mulder</i>	Mulder	X			
<i>Vic Kohring</i>	Kohring	X			
<i>Terry Martin</i>	Martin	X			
<i>John Davis</i>	DAVIES			X	
<i>Ben Grussendorf</i>	Grussendorf	X			
<i>John Davis</i>	Davis			X	
<i>John Kelly</i>	Kelly	✓			
<i>John Foster</i>	Foster	X			

CHAIR'S SIGNATURE *Gene Theriault*
 Co-Chair *Theriault*

Revision Date: _____

Title: * An Act relating to criminal records

Department Affected: Administration

BRU: Legal and Advocacy Services

Component: Public Defender Agency

Sponsor: Representative Ryan

Requestor: (H) JUD

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	36.5	36.5	36.5	36.5	36.5	36.5
TRAVEL	1.8	1.8	1.8	1.8	1.8	1.8
CONTRACTUAL	8.3	8.3	8.3	8.3	8.3	8.3
SUPPLIES	1.8	1.8	1.8	1.8	1.8	1.8
EQUIPMENT	6.5	.2	.2	.2	.2	.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	54.9	48.6	48.6	48.6	48.6	48.6

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

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

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.9	48.6	48.6	48.6	48.6	48.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	54.9	48.6	48.6	48.6	48.6	48.6

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill amends sex offender registration laws in a number of ways. It changes the failure to register from a class A misdemeanor to a class C felony. It greatly adds to the offenses that give rise to the requirement to register upon conviction, including child kidnapping, promoting prostitution, and solicitation and conspiracy to commit the included offenses. It makes the registration requirements more difficult to satisfy by requiring quarterly verification, reducing the time period to comply, and requiring additional information about motor vehicles, treatment and unconditional discharge. Additionally it provides for statewide newspaper publication of the names and addresses of each person that registers. Each of these changes will greatly increase the numbers of people who fail to comply and will thereby be committing a felony offense. Fiscal impact is certain. There are currently 1573 registered offenders under the existing law. Estimates are that this is only about 50% compliance. In FY 97 the Department of Law prosecuted 127 cases as misdemeanors. Felony cases are the most time consuming and labor intensive of the agency's workload. Because many of the current cases are in Anchorage, a half time Attorney III will be added. This is a very conservative estimate.

Prepared by: Barbara K. Brink, Director

Phone: (907) 264-4414

Division: Public Defender Agency

Date: _____

Approved by Commissioner: Mark Boyer

Agency: Department of Administration

Date: 2/4/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 252 (JUD)

Revision Date (Note if correction)	Dept Affected <u>Law</u>
Title <u>An Act relating to criminal records; ... to notice</u>	BRU <u>Criminal Division</u>
<u>registration of sex offenders and child kidnappers, ... Rules 11(c)</u>	Component <u>1st-4th Jud Dist; OSPA</u>
Sponsor <u>Representative Ryan</u>	
Requester <u>House Finance Committee</u>	Component Serial No <u>2198-99/2261/79/01/03</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 252 (JUD) increases the charge for the second offense of failure to register as a sex offender from a class A misdemeanor to a class C felony, and adds child kidnappers as individuals who must register. The bill also requires quarterly written verification of the sex offender's or child kidnapper's address and the other information required.

The department does not anticipate that there will be a large number of new felony cases for failure to register as a result of this bill. Any new cases will also be spread among the many district attorneys offices around the state, and should not create an undue burden on any particular office. We do not anticipate any fiscal impact at this time. However, if significant numbers of such cases are referred for prosecution, it could have a fiscal impact on the department and we would seek to reassess our budget position at that time.

Prepared by	<u>Joan M. Kasson</u>	Phone	<u>465-5370</u>
Division	<u>Attorney General's Office</u>	Date	<u>2/26/98</u>
Approved by Commissioner	<u>Bruce M. Botelho, Attorney General</u>	Date	<u>2/26/98</u>
Agency	<u>Department of Law</u>		

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 252(FIN)

Revision Date (Note if correction) 04/01/98 Dept. Affected Corrections
 Title An Act relating to criminal records; relating to BRU Administration and Operations
notice about and registration of sex offenders and child... Component ALL
 Sponsor Representative Ryan
 Requester (H) FIN Component Serial No. #0694

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	31.6	104.3	104.3	104.3	104.3	104.3
TOTAL OPERATING	31.6	104.3	104.3	104.3	104.3	104.3

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

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	31.6	104.3	104.3	104.3	104.3	104.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	31.6	104.3	104.3	104.3	104.3	104.3

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Please see attached.

Prepared by Bruce Richards
 Division Commissioner's Office
 Approved by Commissioner Margaret M. Pugh *Margaret M. Pugh*
 Agency Department of Corrections

Phone 465-3307
 Date 4/1/98
 Date 4/1/98

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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CS HB 252(FIN) will put in place a two tier penalty system for failure to register as a sex offender or child kidnapper. Failure to register in the first degree will result in a presumptive 2 year class C felony sentence. Failure to register in the second degree is a class A misdemeanor with a mandatory minimum sentence of 35 days in jail.

Assumptions:

Based on current data the Dept. of Corrections is assuming that 25 people will be convicted of second degree failure to register, and 2 people will be convicted of first degree failure to register.

Those convicted of failure to register in the second degree will be sentenced to a mandatory minimum sentence of 35 days in jail. The Dept. of Corrections believes those who are convicted of failure to register in the second degree are already serving the mandatory minimum sentence.

Failure to register in the first degree:
 2 felons X 464 days X 100.07 per day - cost for 25 days under current law

Felonies require a pre-sentence investigation (PSI) report. The cost per PSI report is \$450

Year	Prisoners	Cost Per Day	Days	Cost Per Yr	PSI Report	Subtract Current Incarceration Costs	Total
FY 99			(half year due to effective date)			(subtract 25 days)	
Felons	2	100.07	183	36,625.6	0.9	(5,003.0)	31,623.5
FY 99 Total							\$31,623.52
FY 00							
New Felons	2	100.07	365	73,051.1	0.9	(5,003.0)	68,049.0
Residual Felons	2	100.07	181	36,225.3	0.0	0.0	36,225.3
FY 00 Total							\$104,274.34

FISCAL NOTE

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

BILL NO. CSHB 252(JUD)

Revision Date (Note if correction) 02/04/98 Dept. Affected Corrections
 Title An Act relating to criminal records; relating to BRU Administration and Operations
notice about and registration of sex offenders and child... Component ALL
 Sponsor Representative Ryan
 Requester House Judiciary Component Serial No. #0694

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	155.6	175.4	175.4	175.4	175.4	175.4
TOTAL OPERATING	155.6	175.4	175.4	175.4	175.4	175.4

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

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1094 GF	155.6	175.4	175.4	175.4	175.4	175.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	155.6	175.4	175.4	175.4	175.4	175.4

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Please see attached.

Prepared by Bruce Richards
 Division Commissioner's Office
 Approved by Commissioner Margaret M. Pugh
 Agency Department of Corrections

Phone 465-3307
 Date 2/19/98
 Date 2/19/98

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CS HB 252(Jud) will put in place a two tier penalty system for failure to register as a sex offender or child kidnapper. Failure to register in the first degree will result in class C felony which will result in a presumptive 2 year sentence. Failure to register in the second degree is a class A misdemeanor with a mandatory minimum sentence of 90 days in jail. In calendar year 1997 there were 27 people convicted of failure to register and served an average of 25 days in jail. The Department of Corrections is assuming that the majority of people charged with failure to register will be charged with failure to register in the second degree.

Assumptions:

The Dept. of Corrections is assuming that 25 people will be convicted second degree failure to register, and 2 people will be convicted of first degree failure to register.

25 misdemeanants X 25 days X 100.07 per day - cost for 25 days under current law = \$150,042

2 felons X 464 days X 100.07 per day - cost for 25 days under current law= \$73,047

New felonies require a pre-sentence investigation (PSI) report. The cost per PSI report is \$450

Year	Prisoners	Cost Per Da	Days	Cost Per Yr	PSI Repor	Subtract Current Incarceration Costs	Total
FY 99							
Misdemeanants	25	100.07	60	150,105.0	0.0	(62,543.0)	87,562.0
Felons	2	100.07	365	73,051.1	0.9	(5,003.0)	68,049.0
FY 99 Total							\$155,611.00
FY 00							
Misdemeanants	25	100.07	60	150,105.0	0.0	(62,543.0)	87,562.0
Felons	2	100.07	365	73,051.1	0.9	(5,003.0)	68,049.0
Residual Felons	2	100.07	99	19,813.9	0.0	0.0	19,813.9
FY 00 Total							\$175,424.86

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 252 (JUD)

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Sex Offender Registration BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Ryan
 Requestor: _____ COMPONENT SERIAL NO. 768

Expenditures / Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	5.8	5.8	5.8	5.8	5.8	5.8
TRAVEL						
CONTRACTUAL	6.5	6.5	6.5	6.5	6.5	6.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	12.3	12.3	12.3	12.3	12.3	12.3

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

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	12.3	12.3	12.3	12.3	12.3	12.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	12.3	12.3	12.3	12.3	12.3	12.3

Estimate of any current year (FY 98) cost: \$ None

Positions

Full-Time						
Part-Time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Doug Wooliver, Administrative Attorney
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director
 Agency: Alaska Court System

Phone: 264-8265
 Date: 02/23/98

Date: 02/23/98

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**Alaska Court System
Fiscal Analysis
CSHB 252(JUD)**

HB 252 makes several changes to the sex offender registration laws to bring them into compliance with recent changes in federal law. Additionally, it increases the penalties for failure to register as a sex offender in this state. It is this aspect of the bill that will most directly impact the court system.

Section 1 of this bill adds AS 11.56.835 to the statutes and creates the crime of "failure to register as a sex offender or child kidnapper in the first degree" (a class C felony). Section 2 amends AS 11.56.840 by redesignating the crime of "failure to register as a sex offender" as "failure to register as a sex offender or child kidnapper in the second degree" (a class A misdemeanor). Offenders who fail to register will generally be subject to a second degree offense if it is their first failure to register offense. Failure to register in the first degree will be charged against those who have previously been convicted of failure to register or if they have intentionally failed to register in order to escape detection or identification.

The Department of Law's fiscal note states that last year 127 sex offenders were prosecuted under AS 11.56.840 for failure to register as a sex offender; this note is based on that figure. This note assumes that roughly one half of that number will be felony charges brought under new section AS 11.56.835 and that 10% of those will go to trial. The felony trials are anticipated to last 3 days, including jury selection and judicial time outside the courtroom.

This note does not reflect the additional caseload that is likely to result from the increase in the number of crimes that will be subject to registration requirements. Although such an increase will impact the court system, the extent of the that impact is too speculative to estimate.

The note is offset by the amount of time and jury costs the district court would have spent on those cases that will now be heard in superior court.

Committee testimony on this bill alleges a growing frustration with the problem of sex offenders failing to register. If this frustration is widely felt, it is anticipated that the number of persons charged with failure to register will increase. This note does not reflect that increase because of the difficulty in speculating the extent of its impact. However, if the increase is significant, the court system may return to the legislature for additional funding.

Alaska Court System

Fiscal Analysis

CSHB 252 (JUD)

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, Anchorage, PPT, 1 month <i>(additional judicial resources needed for increased trial rate for felonies)</i>	\$ 4,875	\$ 1,925	\$ 6,800
Offset: judicial time currently expended at district court level			<u>(1,000)</u>
Net personal services			5,800

Contractual

Jury fees for an estimated 7 superior court felony trials: 13 jurors at \$25 a day for 3 days	6,825
Offset: assuming a 2% trial rate for misdemeanors or 1 trial: 7 jurors at \$25 a day for 2 days	<u>(350)</u>
Net jury fees	<u>6,475</u>

Estimated total cost \$ 12,275

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: CSHB 252(JUD)

Revision Date: 3/18/98 Dept. Affected: Public Safety
 Title: Criminal records and sex offender/child kidnapper registration BRU: Statewide Support
 Sponsor: Rep. Ryan Component: Information Systems
 Requester: House Judiciary COMPONENT SERIAL NO. 0528

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	30.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	30.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	30.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	30.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY 98) impact: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

DPS will contract for computer programming services to modify APSIN and the sex offender registry application, including: adding fields for anticipated change of address, vehicle information, and treatment status; tolling the 15 year registration period, and tracking annual and 90-day address verification/notification. DPS estimates this work will require:

400 hours at \$75 per hour = \$30,000

DPS is applying for a federal grant to accomplish those tasks.

Prepared By: Kenneth Bischoff, Director Phone: (907) 465-4336
 Division: Administrative Services Date: _____
 Approved by Commissioner: Ronald L. Otte Date: 3/18/98
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO: CS HB 252(JUD)

Revision Date: 02/20/98

Dept. Affected: Public Safety

Title: Sex Offender Registration

BRU: Alaska State Troopers

Component: AST Director's Office

Sponsor: Rep. Ryan

Requestor: (H) Finance

COMPONENT SERIAL NO. 0508

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	14.0	9.0	9.0	9.0	9.0	9.0
TRAVEL						
CONTRACTUAL	2.5	2.5	2.5	2.5	2.5	2.5
SUPPLIES	2.3	.3	.3	2.3	.3	.3
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	18.8	11.8	11.8	13.8	11.8	11.8
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	18.8	11.8	11.8	13.8	11.8	11.8
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	18.8	11.8	11.8	13.8	11.8	11.8

Estimate of current year (FY 98) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would require quarterly verification (via postcard) of an estimated 500 sex offenders who are obligated to register for their lifetimes. The figures are based on the approximate 230 new sex offenders per year subject to registration and a 10% rate of certified letters (Section 17 of Bill) returned unsigned by the new registrants. The regulation project will be required in the first year only.

Prepared By: F/Sgt. Don Bowman

Phone: 269-5084

Division: Alaska State Troopers

Date: 02/20/98

Approved by Commissioner: Ronald L. Otte *Dee Smith*

Date: 2/23/98

Agency: Department of Public Safety

HB 252
FINAL phase
RM 519-law

AMENDMENT

3/30/98
Adopted

#1

OFFERED IN THE HOUSE
TO: CSHB 252()
0-LS0818Z
Work Draft 3/12/98

Page 3, Line 2

After "imprisonment of"

Delete "90"

Insert "35"

Adopted

0-LS0818Z
Luckhaupt
3/12/98

CS FOR HOUSE BILL NO. 252()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE RYAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal records; relating to notice about and registration of
2 sex offenders and child kidnapers; and amending Rules 11(c) and 32(c), Alaska
3 Rules of Criminal Procedure; and providing for an effective date."

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

5 * Section 1. AS 11.56 is amended by adding a new section to read:

6 **Sec. 11.56.835. Failure to register as a sex offender or child kidnapper in**
7 **the first degree.** (a) A person commits the crime of failure to register as a sex
8 offender or child kidnapper in the first degree if the person violates AS 11.56.840

9 (1) and the person has been previously convicted of a crime under this
10 section or AS 11.56.840 or a law or ordinance of this or another jurisdiction with
11 elements similar to a crime under this section or AS 11.56.840; or

12 (2) with intent to escape detection or identification and, by escaping
13 detection or identification, to facilitate the person's commission of a sex offense or
14 child kidnapping.

1 (b) In a prosecution under (a)(2) of this section, the fact that the defendant, for
2 a period of at least one year, failed to register as a sex offender or child kidnapper,
3 failed to file the annual or quarterly written verification or changed the sex offender's
4 or child kidnapper's address and did not file the required notice of change of address,
5 is prima facie evidence that the defendant intended to escape detection or identification
6 and, by escaping detection or identification, to facilitate the person's commission of a
7 sex offense or child kidnapping.

8 (c) In this section, "child kidnapping" and "sex offense" have the meanings
9 given in AS 12.63.100.

10 (d) Failure to register as a sex offender or child kidnapper in the first degree
11 is a class C felony.

12 * Sec. 2. AS 11.56.840 is amended to read:

13 **Sec. 11.56.840. Failure to register as a sex offender or child kidnapper in**
14 **the second degree.** (a) A person **commits the crime of failure to register as a sex**
15 **offender or child kidnapper in the second degree if the person** [WHO] knowingly
16 fails to (1) register, (2) file the written notice of change of address, [OR] (3) file the
17 annual **or quarterly** written **verification, or (4) supply all of the information**
18 **required to be submitted under (1) - (3) of this subsection** [NOTICE OR
19 STATEMENT], as required in AS 12.63.010.

20 **(b) Failure to register as a sex offender or child kidnapper in the second**
21 **degree is** [, IS GUILTY OF] a class A misdemeanor.

22 * Sec. 3. AS 12.55.135(e) is amended to read:

23 (e) If a defendant is sentenced under (c), [OR] (d), **or (g)** of this section,

24 (1) execution of sentence may not be suspended and probation or parole
25 may not be granted until the minimum term of imprisonment has been served;

26 (2) imposition of a sentence may not be suspended except upon
27 condition that the defendant be imprisoned for no less than the minimum term of
28 imprisonment provided in the section; and

29 (3) the minimum term of imprisonment may not otherwise be reduced.

30 * Sec. 4. AS 12.55.135 is amended by adding a new subsection to read:

31 (g) A defendant convicted of failure to register as a sex offender or child

1 kidnapper in the second degree under AS 11.56.840 shall be sentenced to a minimum
2 term of imprisonment of 90 days.

3 * Sec. 5. AS 12.55.148 is amended to read:

4 **Sec. 12.55.148. Judgment for sex offenses or child kidnappings.** (a) When
5 a defendant is convicted of a sex offense or child kidnapping by a court of this state,
6 the written judgment must set out the requirements of AS 12.63.010 **and, if it can be**
7 **determined by the court, whether that conviction will require the offender or**
8 **kidnapper to register for life or a lesser period under AS 12.63.**

9 (b) In this section, "sex offense" and "child kidnapping" have [HAS] the
10 meanings [MEANING] given in AS 12.63.100.

11 * Sec. 6. AS 12.62.900(23) is amended to read:

12 (23) "serious offense" means a conviction for a violation or for an
13 attempt, solicitation, or conspiracy to commit a violation [FOR A FELONY
14 OFFENSE, A CRIME INVOLVING DOMESTIC VIOLENCE, OR A VIOLATION
15 OR ATTEMPTED VIOLATION] of any of the following laws, or of the laws of
16 another jurisdiction with substantially similar elements:

17 (A) a felony offense;

18 (B) a crime involving domestic violence;

19 (C) AS 11.41.410 - 11.41.470;

20 (D) [(B)] AS 11.51.130 [AS 11.51.130(a)(1) - (3)];

21 (E) [(C)] AS 11.61.110(a)(7) or 11.61.125;

22 (F) [(D)] AS 11.66.100 - 11.66.130; or

23 (G) former AS 11.15.120, former 11.15.134, or assault with
24 the intent to commit rape under former AS 11.15.160;

25 (H) [(E)] former AS 11.40.080, 11.40.110, 11.40.130, or
26 11.40.200 - 11.40.420, if committed before January 1, 1980;

27 * Sec. 7. AS 12.63.010(a) is amended to read:

28 (a) A sex offender or child kidnapper who is physically present in the state
29 shall register as provided in this section. The sex offender or child kidnapper shall
30 register [WITHIN]

31 (1) within the 30-day period before [SEVEN DAYS OF] release from

1 an in-state correctional facility;

2 (2) by the next working day following [SEVEN DAYS OF]
3 conviction for a sex offense or child kidnapping if the sex offender is not
4 incarcerated at the time of conviction [SENTENCED TO A TERM OF
5 INCARCERATION]; or

6 (3) by the next working day [14 DAYS] of becoming physically
7 present in the state [, EXCEPT THE SEX OFFENDER SHALL REGISTER WITHIN
8 SEVEN DAYS OF BECOMING PHYSICALLY PRESENT IN THE STATE IF THE
9 SEX OFFENDER

10 (A) IS A PROBATIONER OR PAROLEE BEING
11 SUPERVISED BY THE STATE AS THE RECEIVING STATE UNDER
12 AS 33.36.110 - 33.36.120; OR.

13 (B) HAS BEEN RELEASED FROM AN OUT-OF-STATE
14 CORRECTIONAL FACILITY WHERE THE SEX OFFENDER WAS
15 SERVING A TERM OF INCARCERATION FOR A SEX OFFENSE
16 CONVICTION IN THIS STATE].

17 * Sec. 8. AS 12.63.010(b) is amended to read:

18 (b) A sex offender or child kidnapper required to register under (a) of this
19 section shall register with the Department of Corrections if the sex offender or
20 child kidnapper is incarcerated or in person at the Alaska state trooper post or
21 municipal police department located nearest to where the sex offender or child
22 kidnapper resides at the time of registration. To fulfill the registration requirement,
23 the sex offender or child kidnapper shall

24 (1) complete a registration form that includes, at a minimum,

25 (A) the sex offender's or child kidnapper's name, address,
26 place of employment, date of birth; [.]

27 (B) each conviction for a sex offense or child kidnapping for
28 which the duty to register has not terminated under AS 12.63.020, date of sex
29 offense or child kidnapping convictions, place and court of sex offense or
30 child kidnapping convictions, whether the sex offender or child kidnapper
31 has been unconditionally discharged from the conviction for a sex offense

1 or child kidnapping and the date of the unconditional discharge; if the sex
 2 offender or child kidnapper asserts that the offender or kidnapper has
 3 been unconditionally discharged, the offender or kidnapper shall supply
 4 proof of that discharge acceptable to the department;

5 (C) all aliases used; [,]

6 (D) [AND] driver's license number;

7 (E) description, license numbers, and vehicle identification
 8 numbers of motor vehicles the sex offender or child kidnapper has access
 9 to regardless of whether that access is regular or not;

10 (F) any identifying features of the sex offender or child
 11 kidnapper;

12 (G) anticipated changes of address; and

13 (H) a statement concerning whether the offender or
 14 kidnapper has had treatment for a mental abnormality or personality
 15 disorder since the date of conviction for an offense requiring registration
 16 under this chapter;

17 (2) allow the Alaska state troopers, Department of Corrections, or
 18 municipal police to take a complete set of the sex offender's or child kidnapper's
 19 fingerprints and to take the sex offender's or child kidnapper's photograph.

20 * Sec. 9. AS 12.63.010(c) is amended to read:

21 (c) If a sex offender or child kidnapper changes residence [WITHIN THE
 22 STATE] after having registered under (a) of this section, the sex offender or child
 23 kidnapper shall provide written notice of the change by the next working day
 24 following the change to the Alaska state trooper post or municipal police department
 25 located nearest to the new residence or, if the residence change is out of state, to the
 26 central registry [WITHIN 10 DAYS OF THE CHANGE].

27 * Sec. 10. AS 12.63.010(d) is amended to read:

28 (d) A sex offender or child kidnapper required to register

29 (1) for 15 years under (a) of this section and AS 12.63.020(a)(2) shall,
 30 annually, during the term of a duty to register under AS 12.63.020, on a date set by
 31 the department at the time of the sex offender's or child kidnapper's initial

1 registration, provide written verification [NOTICE] to the department, in the manner
 2 required by the department, of the sex offender's or child kidnapper's address
 3 and notice of any changes to the information previously [INITIALLY] provided under
 4 (b)(1) of this section;

5 (2) for life under (a) of this section and AS 12.63.020(a)(1) shall, not
 6 less than quarterly, on a date set by the department, provide written verification
 7 to the department, in the manner required by the department, of the sex
 8 offender's or child kidnapper's address and any changes to the information
 9 previously provided under (b)(1) of this section [, OR IF THERE ARE NO
 10 CHANGES, A STATEMENT TO THAT EFFECT].

11 * Sec. 11. AS 12.63.010 is amended by adding a new subsection to read:

12 (f) The registration form required to be submitted under (b) of this section and
 13 the annual or quarterly verifications must be sworn to by the offender or kidnapper and
 14 contain an admonition that a false statement shall subject the offender or kidnapper to
 15 prosecution for perjury.

16 * Sec. 12. AS 12.63.020 is amended to read:

17 **Sec. 12.63.020. Duration of sex offender or child kidnapper duty to**
 18 **register. (a) The duty of a sex offender or child kidnapper to comply with the**
 19 **requirements of AS 12.63.010 for each sex offense or child kidnapping**

20 (1) continues for the lifetime of a sex offender or child kidnapper
 21 convicted of

22 (A) one aggravated sex offense; or

23 (B) two or more sex offenses, two or more child kidnappings,
 24 or one sex offense and one child kidnapping;

25 (2) ends 15 years following the sex offender's or child kidnapper's
 26 unconditional discharge from a conviction for a single sex offense that is not an
 27 aggravated sex offense or for a single child kidnapping if the sex offender or child
 28 kidnapper has supplied proof that is acceptable to the department of the
 29 unconditional discharge; the registration period under this paragraph

30 (A) is tolled for each year that a sex offender or child
 31 kidnapper

1 (i) fails to comply with the requirements of this
2 chapter;

3 (ii) is incarcerated for the offense or kidnapping for
4 which the offender or kidnapper is required to register or for any
5 other offense;

6 (B) may include the time a sex offender or child kidnapper
7 was absent from this state if the sex offender or child kidnapper has
8 complied with any sex offender or child kidnapper registration
9 requirements of the jurisdiction in which the offender or kidnapper was
10 located and if the sex offender or child kidnapper provides the department
11 with proof of the compliance while the sex offender or child kidnapper was
12 absent from this state; and

13 (C) continues for a sex offender or child kidnapper who has
14 not supplied proof acceptable to the department of the offender's or
15 kidnapper's unconditional discharge for the sex offense or child
16 kidnapping requiring registration.

17 (b) The department shall adopt, by regulation, procedures to notify a sex
18 offender or child kidnapper who, on the registration form under AS 12.63.010, lists
19 a conviction for a sex offense or child kidnapping that is a violation of a former law
20 of this state or a law of another jurisdiction, of the duration of the offender's or
21 kidnapper's duty under (a) of this section for that sex offense or child kidnapping.
22 As a part of the regulations, the department shall require the offender or
23 kidnapper to supply proof acceptable to the department of unconditional
24 discharge and the date it occurred.

25 * Sec. 13. AS 12.63 is amended by adding a new section to read:

26 **Sec. 12.63.030. Notification of other jurisdictions.** (a) If a sex offender or
27 child kidnapper notifies the department that the sex offender or child kidnapper is
28 moving from the state, the department shall notify the Federal Bureau of Investigation
29 and the state where the sex offender or child kidnapper is moving of the sex offender's
30 or child kidnapper's intended address.

31 (b) If a sex offender or child kidnapper fails to register or to verify the sex

1 offender's or child kidnapper's address and registration under this chapter, or the
2 department does not know the location of a sex offender or child kidnapper required
3 to register under this chapter, the department shall immediately notify the Federal
4 Bureau of Investigation.

5 * Sec. 14. AS 12.63.100(2) is amended to read:

6 (2) "sex offender or child kidnapper" means a person convicted of a
7 sex offense or child kidnapping in this state or another jurisdiction regardless of
8 whether the conviction occurred before, after, or on the effective date of this Act
9 [AUGUST 10, 1994];

10 * Sec. 15. AS 12.63.100(3) is amended to read:

11 (3) "sex offense" means a crime, or an attempt, solicitation, or
12 conspiracy to commit a crime, under the following statutes or a similar law of
13 another jurisdiction:

14 (A) AS 11.41.410 - 11.41.438, 11.41.440(a)(2), 11.41.450, or
15 11.41.455;

16 (B) [,] AS 11.61.125;

17 (C) [,] AS 11.66.110 or 11.66.130(a)(2) if the person who was
18 induced or caused to engage in prostitution was 16 or 17 years of age at
19 the time of the offense; or

20 (D) [,] former AS 11.15.120, former [OR] 11.15.134, or
21 assault with the intent to commit rape under former AS 11.15.160, [OR]
22 former AS 11.40.110, or 11.40.200 [, OR A SIMILAR LAW IN ANOTHER
23 JURISDICTION];

24 * Sec. 16. AS 12.63.100 is amended by adding new paragraphs to read:

25 (5) "aggravated sex offense" means a crime, or an attempt, solicitation,
26 or conspiracy to commit a crime, under AS 11.41.410, 11.41.434, or a similar law of
27 another jurisdiction;

28 (6) "child kidnapping" means a crime or an attempt, solicitation, or
29 conspiracy to commit a crime, under AS 11.41.300, or a similar law of another
30 jurisdiction, if the victim was under 18 years of age at the time of the offense.

31 * Sec. 17. AS 18.65.087(a) is amended to read:

1 (a) The Department of Public Safety shall maintain a central registry of sex
2 offenders and child kidnappers [REQUIRED TO REGISTER UNDER AS 12.63.010]
3 and shall adopt regulations necessary to carry out the purposes of this section and
4 AS 12.63. A post of the Alaska state troopers or a municipal police department that
5 receives registration or change of address information under AS 12.63.010 shall
6 forward the information within five working days of receipt to the central registry of
7 sex offenders and child kidnappers. Unless the sex offender or child kidnapper
8 provides proof satisfactory to the department that the sex offender or child
9 kidnapper is not physically present in the state or that the time limits described
10 in AS 12.63.010 have passed, the Department of Public Safety may enter and
11 maintain in the registry information described in AS 12.63.010 about a sex
12 offender or child kidnapper that the department obtains from

13 (1) the sex offender or child kidnapper under AS 12.63;

14 (2) a post of the Alaska state troopers or a municipal police
15 department under (a) of this section;

16 (3) a court judgment under AS 12.55.148;

17 (4) the Department of Corrections under AS 33.30.012 or 33.30.035;

18 (5) the Federal Bureau of Investigation or another sex offender
19 registration agency outside this state if the information indicates that a sex
20 offender or child kidnapper is believed to be residing or planning to reside in the
21 state or cannot be located;

22 (6) a criminal justice agency in the state or another jurisdiction;

23 (7) the department's central repository under AS 12.62; information
24 entered in the registry from the repository is not subject to the requirements of
25 AS 12.62.160(c)(3) or (4); or

26 (8) another reliable source as defined in regulations adopted by the
27 department.

28 * Sec. 18. AS 18.65.087(b) is amended to read:

29 (b) Information about a sex offender or child kidnapper that is contained in
30 the central registry, including sets of fingerprints, is confidential and not subject to
31 public disclosure except as to the sex offender's or child kidnapper's name, aliases,

1 address, photograph, physical description, description of motor vehicles, license
2 numbers of motor vehicles, and vehicle identification numbers of motor vehicles,
3 place of employment, date of birth, crime for which convicted, date of conviction,
4 place and court of conviction, [AND] length and conditions of sentence, and a
5 statement as to whether the offender or kidnapper is in compliance with
6 requirements of AS 12.63 or cannot be located.

7 * Sec. 19. AS 18.65.087(d) is amended to read:

8 (d) The Department of Public Safety

9 (1) shall adopt regulations to

10 (A) allow a sex offender or child kidnapper to review sex
11 offender or child kidnapper registration information that refers to that sex
12 offender or child kidnapper, and if the sex offender or child kidnapper
13 believes the information is inaccurate or incomplete, to request the department
14 to correct the information; if the department finds the information is inaccurate
15 or incomplete, the department shall correct or supplement the information;

16 (B) ensure the appropriate circulation to law enforcement
17 agencies of information contained in the central registry;

18 (C) ensure the anonymity of members of the public who
19 request information under this section;

20 (2) shall provide to the Department of Corrections and municipal
21 police departments the forms and directions necessary to allow sex offenders and child
22 kidnappers to comply with AS 12.63.010;

23 (3) may adopt regulations to establish fees to be charged for registration
24 under AS 12.63.010 and for information requests; the fee for registration shall be based
25 upon the actual costs of performing the registration and maintaining the central registry
26 but may not be set at a level whereby registration is discouraged; the fee for an
27 information request may not be greater than \$10;

28 (4) shall remove from the central registry of sex offenders and child
29 kidnappers under this section information about a sex offender or child kidnapper
30 required to register under AS 12.63.020(a)(2) at the end of the sex offender's or child
31 kidnapper's duty to register if the offender or kidnapper has not been convicted of

1 another sex offense or child kidnapping and the offender or kidnapper has
2 supplied proof of unconditional discharge acceptable to the department; in this
3 paragraph, "sex offense" and "child kidnapping" have [HAS] the meanings
4 [MEANING] given in AS 12.63.100.

5 * Sec. 20. AS 18.65.087 is amended by adding new subsections to read:

6 (e) The name, address, and other identifying information of a member of the
7 public who makes an information request under this section is not a public record
8 under AS 09.25.100 - 09.25.220.

9 (f) When a sex offender or child kidnapper registers under AS 12.63, the
10 Department of Public Safety shall make reasonable attempts to verify that the sex
11 offender or child kidnapper is residing at the registered address. Reasonable attempts
12 at verifying an address include sending certified mail, return receipt requested, to the
13 offender or kidnapper at the registered address. The department shall make reasonable
14 efforts to locate an offender or kidnapper who cannot be located at the registered
15 address.

16 (g) The department, at least quarterly, shall compile a list of those persons
17 with a duty to register under AS 12.63.010 who have failed to register, whose
18 addresses cannot be verified under (f) of this section, or who otherwise cannot be
19 located. The department shall post this list on the Internet and request the public's
20 assistance in locating these persons.

21 * Sec. 21. AS 33.30.012 is amended to read:

22 Sec. 33.30.012. Notice of release, parole, community placement, work
23 release placement, furlough, or escape of sex offender or child kidnapper. (a)
24 Within 30 [AT THE EARLIEST POSSIBLE DATE, AND IN NO EVENT LATER
25 THAN 10] days before release of a sex offender or child kidnapper with a duty to
26 register under AS 12.63, the commissioner shall complete the registration of the sex
27 offender or child kidnapper if the offender or kidnapper has not previously
28 registered. The commissioner shall take the sex offender's or child kidnapper's
29 photograph, and determine if legible fingerprints of the sex offender or child
30 kidnapper have been previously provided to the Department of Public Safety; if
31 legible fingerprints for the sex offense or child kidnapping have not previously

1 been provided to the Department of Public Safety, the commissioner shall obtain
2 the sex offender's or child kidnapper's fingerprints in the manner required by the
3 Department of Public Safety and shall immediately forward the fingerprints to the
4 department. When completing the registration or taking the photograph under
5 this subsection, the commissioner shall also send written notice of release, parole,
6 community placement, work release placement, or furlough of a sex offender or child
7 kidnapper [SPECIFIC INMATE CONVICTED OF A SEX OFFENSE] to:

8 (1) the chief of police of the community, if any, in which the inmate
9 will reside;

10 (2) the Alaska state trooper post located nearest to where the inmate
11 will reside; [AND]

12 (3) the village public safety officer of the rural community without a
13 municipal police department or Alaska state trooper post in which the inmate will
14 reside; and

15 (4) the central registry of sex offenders and child kidnappers.

16 (b) If an inmate convicted of a sex offense or child kidnapping escapes from
17 a correctional facility, the commissioner shall immediately notify the Department of
18 Public Safety and the chief of police of the community and the Alaska state trooper
19 post located closest to where the inmate resided immediately before the inmate's arrest
20 and conviction.

21 * Sec. 22. AS 33.30.035 is amended to read:

22 Sec. 33.30.035. Notice to sex offenders or child kidnappers of registration
23 and other requirements [REQUIREMENT]. The department shall provide written
24 notice to a sex offender or child kidnapper of the registration, verification, and
25 change of address requirements of AS 12.63.010 [,] and shall obtain a written
26 [SIGNED ACKNOWLEDGMENT OF] receipt of notice from the sex offender or
27 child kidnapper (1) at the time of the sex offender's or child kidnapper's release
28 from a state correctional facility; (2) immediately after taking supervision of a sex
29 offender or child kidnapper under the Interstate Corrections Compact or
30 AS 33.36.110. The department shall forward the written receipt to the
31 Department of Public Safety, along with a description of any identifying features

1 of the offender or kidnapper, the anticipated address of the offender or
2 kidnapper, and a statement concerning whether the offender or kidnapper has
3 received treatment for the offender's or kidnapper's mental abnormality or
4 personality disorder related to the sex offense or child kidnapping. In this
5 section, "sex offense" and "child kidnapping" have the meanings given in
6 AS 12.63.100.

7 * Sec. 23. AS 33.30.901(13) is amended to read:

8 (13) "sex offender or child kidnapper." "sex offense," and "child
9 kidnapping" have [" HAS] the meanings [MEANING] given in AS 12.63.100; [.]

10 * Sec. 24. COURT RULES. (a) The provisions of AS 12.55.148, as amended by sec. 5
11 of this Act, have the effect of changing Rules 11(c) and 32(c), Alaska Rules of Criminal
12 Procedure, relating to judgment and sentences for defendants convicted of sex offenses or
13 child kidnappings.

14 (b) In this section, "sex offense" and "child kidnapping" have the meanings given in
15 AS 12.63.100, as amended by secs. 15 and 16 of this Act.

16 * Sec. 25. APPLICABILITY. (a) A sex offender or child kidnapper with, before the
17 effective date of this Act, (1) one conviction for an aggravated sex offense, (2) two or more
18 convictions for a sex offense or child kidnapping, or (3) one conviction for a child kidnapping
19 and one conviction for a sex offense, regardless of whether the offender or kidnapper has been
20 unconditionally discharged from that conviction or convictions, shall register under
21 AS 12.63.010, as amended by secs. 7 - 11 of this Act, by the 60th day after the effective date
22 of this Act. A sex offender or child kidnapper with only one conviction for a sex offense that
23 is not an aggravated sex offense or only one conviction for a child kidnapping, and who was
24 unconditionally discharged from that offense before July 1, 1984, does not have to register
25 under this Act. A sex offender or child kidnapper with only one conviction for a sex offense
26 that is not an aggravated sex offense or only one conviction for a child kidnapping who was
27 required to register under sec. 12, ch. 41, SLA 1994, shall continue to register as provided by
28 AS 12.63.010, as amended by secs. 7 - 11 of this Act.

29 (b) A conviction for a sex offense or child kidnapping before the effective date of this
30 Act is a sex offense or child kidnapping for purposes of the duration of registration
31 requirement of AS 12.63.020(a), as amended by sec. 12 of this Act.

1 (c) In this section, "aggravated sex offense," "sex offender or child kidnapper," "sex
2 offense," and "child kidnapping" have the meanings given in AS 12.63.100, as amended by
3 secs. 14 - 16 of this Act.

4 * Sec. 26. This Act takes effect January 1, 1999.

Alaska State Legislature

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE
MILITARY & VETERANS AFFAIRS
COMMUNITY & REGIONAL AFFAIRS
OIL & GAS



Representative Joe Ryan

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SPONSOR STATEMENT for HB252

This Bill is offered to intensify sex offender and kidnapper registration statutes and the registration process in order to better protect our citizens from convicted criminals. Numbers of citizens will be protected, including vulnerable adults and children of all ages.

The intent here is to comply with recent changes to the law including Department of Justice, Office of the Attorney General, Proposed Guidelines, Megan's Law, Jacob Wetterling Act, The Pam Lychner Act and others and remain eligible for the \$200,000 in Byrne Formula Grant funds for states that comply with these Acts.

This Bill allows that:

1. A two (2) tier system is put in place for offenders that fail to register, fail to register properly or fail to re-register would be guilty of a Class A misdemeanor for a first offense. Failure of an offender to register properly or fail to re-register a second time would result in a Class C felony. Except an offender would be guilty of a Class C felony if such non-compliance is perpetrated to avoid detection or if that period of non-compliance is one (1) year or more in duration.
2. Persons responsible for hiring and employing people for hiring and employing people will have access to current and past criminal histories.
3. An offender registers while in the last 30 days of the sentence thus eliminating the opportunity to fail to register and provides for a dramatic reduction in reporting times for re-registration and change of address. Provides for annual and quarterly verifications of a sex offender or child kidnaper.
4. The length of time a sex offender or a child kidnapper must register in order to meet requirements of 42 U.S.C. 14071 is adjusted and requires the Department of Public Safety to notify the Federal Bureau of Investigation if a sex offender or

child kidnapper does not register or cannot be found or if such person moves to another state, the FBI and the other state are notified.

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Animal Report

The Borough Division of Animal Control impounded the following strays Friday:

Husky—red/white, blue eyes, male adult, blue nylon collar, broken teeth, Farmers Loop, near Dog Mushers Hall.

Husky/shepherd mix—white, male adult, leather collar, rear dewclaws, Lolly Drive and Nelson Road.

Rottweiler—black/tan, female adult, red collar, rabies vaccination tag, Geist Road and Fairbanks Street.

Husky mix—sable/white, male adult, green nylon collar, illegible tattoo, dead on arrival, 1 Mile Farmers Loop.

German shepherd—black/tan, neutered male adult, tattoo: EA63, 1200 block, Skinner Drive, eye problems.

Pit bull/akita mix—brindle/white, male adult, hit by vehicle, injured, Esquire Street and Cedar Avenue.

Cat—short hair, black/white, female, 9 months, North Pole Plaza.

These animals will be held as strays for 72 hours (120 if they have identification), after which they may be adopted or destroyed. For more information, call the animal shelter at 459-1451.

Looking back in Fairbanks

25 years ago
Feb. 28, 1973—Noting that food prices have increased for eight consecutive quarters, the University of Alaska says prices for a basket of 40 staple items jumped 3.7 percent statewide in 1972. The Fairbanks basket cost of 40 items rose from \$27 in December 1971 to \$37.20 in December 1972.

50 years ago
Feb. 28, 1948—Six reindeer landed last night at Weeks Field to help make the 1948 Fairbanks Ice Carnival the outstanding attraction of the Alaska Arctic. The deer are the property of York Wilson of Kotzebue, who owns a herd of 2,000, and of Ross Stalker of Noatak, owner of 1,000.

75 years ago
Feb. 28, 1923—William Kilberg and Martin Claich, who have been employed with the Alaska Road Commission on the Chatanika River bridge, arrived in town last night. They report that the driving of piling has been completed and that the construction of the bridge is now in progress.

Court Judgments

SUPERIOR COURT
Judge Ralph R. Beistline
Feb. 17

Shawn R. Brown, 19, pleaded no contest to first-degree burglary and second-degree theft; on both counts, imposition of sentence suspended, on probation 18 months.

Judge Mary E. Greene
Feb. 20

Richard P. Richar, 25, pleaded no contest to first-degree vehicle theft, 24 months in jail with 15 months suspended, undergo substance abuse screening and counseling, on probation five years. One count of second-degree theft was dismissed.

presumptive and sentence is consecutive to all other cases.

DISTRICT COURT
Magistrate Katherine R. Bachelder
Nov. 14

Nicholas Turenne, 18, pleaded guilty to sixth-degree misconduct involving a controlled substance, 30 days in jail with 29 days suspended, forfeit pipe, on probation one year.

Jan. 10

Robert J. Bilow, 50, pleaded no contest to driving while intoxicated and no valid driver's license; on count one, fined \$250, 30 days in jail with 27 days suspended, pay \$270 cost of incarceration, perform 24 hours community service while incarcerated, driver's license revoked for 90 days concurrent with administrative revocation, undergo alcohol screening and counseling, on probation one year; on count two, fined \$75, 10 days in jail suspended, on probation one year.

Feb. 6

Jimmie Dale, 52, pleaded guilty to failure to register as a sex offender, 30 days in jail with 29 days suspended, must register immediately, on probation one year.

Judge H.E. Crutchfield

Clarissa Ann Florens, 36, pleaded no contest to fourth-degree theft, 30 days in jail with 25 days suspended, not to enter Safeway stores, on probation one year.

Gary Manuel Silva, 32, pleaded no contest to driving while license suspended, 20 days in jail with 10 days suspended, driver's license revoked for 90 days concurrent with administrative revocation, perform 80 hours community service, knife is forfeited to the state, on probation one year. Charges of carrying a concealed weapon and violating a domestic violence protection order were dismissed.

Eric B. Quinn, 27, pleaded no contest to a reduced count of fourth-degree assault, 20 days in jail suspended, on probation one year. The original charge was second-degree assault. Charges of first-degree robbery, a second count of second-degree assault, and fourth-degree misconduct involving a controlled substance were dismissed.

Feb. 5

Jimmie Dale a k a Robert Bostic, 52, pleaded no contest to driving while intoxicated, fined \$250, 25 days in jail with 22 days suspended, pay \$270 cost of incarceration, perform 24 hours community service while incarcerated, driver's license revoked for 90 days concurrent with administrative revocation, undergo alcohol screening and counseling, on probation one year.

Feb. 6

Catherine E. Ward, 44, pleaded no contest to overtaking and passing a school bus, imposition of sentence suspended, perform 20 hours community service, on probation one year.

Aubrey Bennett, 27, pleaded no contest to a reduced count of no valid driver's license, fined \$300, 60 days in jail with 45 days suspended, credit for two days served, may perform 104 hours community service in lieu of remaining jail time, on probation two years. The original charge was driving while license revoked. One count of expired tags was dismissed.

Brian K. Ward, 19, pleaded no contest to driving while license revoked, 12 days in jail with 10 days suspended, driver's li-

perform 160 hours community service while incarcerated, driver's license revoked for three years concurrent with administrative revocation, undergo alcohol screening and counseling, on probation two years.

Catherine A. Keyse-Sweet, 34, pleaded no contest to driving while intoxicated, fined \$250, 25 days in jail with 22 days suspended, pay \$270 cost of incarceration, perform 24 hours community

service while incarcerated, driver's license revoked for 90 days concurrent with administrative revocation, undergo alcohol screening and counseling, on probation one year. One count of driving while license suspended was dismissed.

Terry T. Avery, 32, pleaded no contest to failure to register as a sex offender, 40 days in jail with 38 days suspended, on probation one year.

Feb. 13

Toni Lynn Blue a k a Toni L. Rogers, 27, pleaded no contest to driving while license suspended, 30 days in jail suspended, driver's license revoked for 90 days concurrent with administrative revocation, perform 80 hours community service, on probation one year.

Dan Holtry, 25, pleaded no contest to violation of domestic violence restraining order, 30 days in jail with 29 days suspended, complete anger management program, on probation one year.

Feb. 20

James Grijalva, 40, pleaded no contest to driving while license suspended, 10 days in jail suspended, driver's license revoked for 90 days concurrent with administrative revocation, perform 80 hours community service, on probation one year.

Judge Jane F. Kauvar
Jan. 27

Toddy L. Turner, 25, was acquitted by a jury of fourth-degree assault.

Feb. 6

James C. Scarrow, 35, pleaded no contest to improper use of evidence of registration title, 10 days in jail.

Feb. 10

Roy Hugo, 39, pleaded no contest to fourth-degree assault, 270 days in jail with 160 days suspended, must complete anger management program and alcohol counseling while incarcerated, no contact with victims without court approval, on probation three years.

Feb. 11

Verle Crowl, 53, pleaded no contest to driving while intoxicated, fined \$250, 30 days in jail with 27 days suspended, pay \$270 cost of incarceration, perform 24 hours community service while incarcerated, driver's license revoked for 90 days concurrent with administrative revocation, undergo alcohol screening and counseling, on probation one year. One count of driving wrong way on one-way road was dismissed.

James B. Lockinger, 32, pleaded no contest to two counts of fourth-degree assault, domestic violence, on count one, 30 days in jail with 29 days suspended; on count two, 30 days in jail suspended; on both counts, complete anger management program, on probation one year.

Feb. 17

George W. O'Leary, 56, pleaded no contest to a reduced charge of negligent driving, fined \$300. The original charge was operating a commercial vehicle while intoxicated.

Judge Charles R. Pengilly
Sent. 26

Current Report Date: 3/2/1998

Database Last Updated: 2/25/1998

Registered Sex OffenderNot in Compliance**JIMMIE DALE**

This convicted sex offender's registration is out of compliance. Please contact the **Alaska State Troopers** or your **local law enforcement agency** or Email **Sex Offender Office** if you have any information relating to this person's current address.

Name Aliases:
 JIM BOSTIC
 JIM DALE
 JIM J BOSTIC
 JIM J BOSTIC
 JIMMIE BOSTIC
 JIMMIE DALE
 JIMMY BOSTIC
 JIMMY DALE
 ROBERT BOSTIC
 ROBERT J BOSTIC
 ROBERT J JIM BOSTIC
 ROBERT JAMES BOSTIC

Person Info

Race: WHITE		Sex: MALE	
Hair: BROWN	Eye.: BROWN	Height: 5' 10"	Weight: 200 LBS.
Date of Birth: 7/29/1945	Employer:		

Address Info Last Changed on: 4/1/96

Registration Address: 403 HENDERSON		
City: FAIRBANKS	State: AK	Zip: 99701
Employer Address: 970 DEERE STREET		
Extra Address Line: J.D. MINING		
City: FAIRBANKS	State: AK	Zip: 99701

Convictions

Court Docket Num: 87-2716	Court: SUPERIOR COURT FAIRBANKS
Conviction Date: 2/5/1988	
Offense Code: 1117B	Description: SEXUAL ABUSE OF A MINOR 2
Court Docket Num: 84-1188	
Court: SUPERIOR COURT FAIRBANKS	
Conviction Date: 2/25/1988	
Offense Code: 1117B	Description: SEXUAL ABUSE OF A MINOR 2

JIMMIE DALE is required to register under AS 12.63.010

The Department of Public Safety updates this information regularly, to try to assure that it is complete and accurate, however this information can change quickly. You are cautioned that information provided on this site may not reflect the current residence, status, or other information regarding an offender.

If you believe that any of the information found in these records is in error, please contact the **Alaska State Troopers, Permits and Licensing Unit** at 117 West 4th Avenue, Anchorage, AK 99501 Phone (907) 258-8892. This information is made available for the purpose of protecting the public. Anyone who uses this information to commit a criminal act against another person is subject to criminal prosecution.

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Web Page bug reports or comments, send mail to [Webmaster](#)

Last Update on 02/04/1998.

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Current Report Date: 3/2/1998

Database Last Updated: 2/25/1998

Registered Sex Offender**TERRY TYRONE AVERY**

Name Aliases:
IERRY T AVERY
IERRY T AVERY
TERRY AVERY
TERRY T AVERY

Person Info

Race: BLACK		Sex: MALE	
Hair: BLACK	Eyes: BROWN	Height: 6' 1"	Weight: 175 LBS.
Date of Birth: 11/2/1965		Employer: FLOWLINE ALASKA	

Address Info Last Changed on: 1/26/98

Registration Address: 2628 MERCER ST		
City: FAIRBANKS	State: AK	Zip: 99701
Employer Address: 1881 PHILLIPS FIELD RD		
City: FAIRBANKS	State: AK	Zip: 99701

Convictions

Court Docket Num: 86-1033	Court: SUPERIOR COURT FAIRBANKS
Conviction Date: 11/10/1986	
Offense Code: 1117	Description: SEXUAL ABUSE OF A MINOR

TERRY TYRONE AVERY is required to register under AS 12.63.010

The Department of Public Safety updates this information regularly, to try to assure that it is complete and accurate, however this information can change quickly. You are cautioned that information provided on this site may not reflect the current residence, status, or other information regarding an offender.

If you believe that any of the information found in these records is in error, please contact the **Alaska State Troopers, Permits and Licensing Unit** at 117 West 4th Avenue, Anchorage, AK 99501 Phone (907) 258-8892. This information is made available for the purpose of protecting the public. Anyone who uses this information to commit a criminal act against another person is subject to criminal prosecution.

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House Finance Committee

DATE: 3/26/98

PLACE: Cap 5F

SUBJECT OF MEETING:
 HB 81
 SB 157
 HJR 5
 HB 252

> HB 144
 SB 221

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Sarah Felix	Dept of Law	state of Alaska	99811		465-3607	<input checked="" type="radio"/> Y	N HJR 5
Jim Bodoloni	"				"	<input checked="" type="radio"/> Y	N HJR 5
Juanita Hensley	ADMIN	DMV			465-5648	Y	N questions SB 157
Rachel Lounsbury	Rep James				2713	<input checked="" type="radio"/> Y	N HJR 5
Karaine DeW	ASHNWA	AK STATE HOSPITAL ASSN			386-1790	<input checked="" type="radio"/> Y	N HJR 5
Kame Layoet	Law				465-3422	Y	N Answer HB 252 Questions
						Y	N
						Y	N
						Y	N
						Y	N
						Y	N
						Y	N

R. Ryan's STAFF PERSON

CORRECTION

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



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska



House Finance Committee

DATE: 3/26/98

PLACE: Cap 5F

SUBJECT OF MEETING:
 HB 81
 SB 157
 HJR 5
 HB 252

> HB 144
 SB 221

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Sarah Felix	Dept of Law	State of Alaska	99811		465-3607	<input checked="" type="radio"/> Y	N HJR 5
Jim Bolden	"				"	<input checked="" type="radio"/> Y	N HJR 5
Juanita Hensley	ADMIN	DMV			465-5648	<input type="radio"/> Y	N Questions SB 157
Ruthie Lomax	Pop Stores				774	<input checked="" type="radio"/> Y	N HJR 81
Karaine Dew	ASBWA	AL STATE HOSPITAL ASSN			586-1790	<input checked="" type="radio"/> Y	N HJR 5
Kame Lynnet	Law				465-3022	<input type="radio"/> Y	N Law HB 252 Questions
						<input type="radio"/> Y	N
						<input type="radio"/> Y	N
						<input type="radio"/> Y	N
						<input type="radio"/> Y	N
						<input type="radio"/> Y	N
						<input type="radio"/> Y	N

R. Ryan's SIGN PERSON

HB

252

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/6/98

FURTHER: 5/9/98

DATE TURNED
IN TO OFFICE: 5/09/98

Finance Committee considered CS FOR HOUSE BILL NO. 252(FIN)

"An Act relating to criminal records; relating to notice about and registration of sex offenders and child kidnappers; and amending Rules 11(c) and 32(c), Alaska Rules of Criminal Procedure; and providing for an effective date."

and recommends:

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

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>Sean Karmell</i>	X				
<i>[Signature]</i>	X				
<i>Walter Jolley</i>	X				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
Admin/PDA	2/18/98		54.9
Law/OSPA	4/3/98	φ	
Corrections/All	4/3/98		31.6
Court	4/3/98		12.3
DPS/Inf. Services	4/3/98		30.0
DPS/AST Dir. Off.	4/3/98		18.8

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED OUT OF

5/9/98

No: 9

Version: CSHB 252 (FIN)

STATE OF ALASKA 1998 LEGISLATIVE SESSION

BILL NO: (H) Publish Date: 4/3/98

Revision Date: 02/20/98 Dept. Affected: Public Safety
 Title: Sex Offender Registration BRU: Alaska State Troopers
 Component: AST Director's Office
 Sponsor: Rep. Ryan
 Requestor: (H) Finance COMPONENT SERIAL NO. 0508

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	14.0	9.0	9.0	9.0	9.0	9.0
TRAVEL						
CONTRACTUAL	2.5	2.5	2.5	2.5	2.5	2.5
SUPPLIES	2.3	.3	.3	2.3	.3	.3
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	18.8	11.8	11.8	13.8	11.8	11.8
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	18.8	11.8	11.8	13.8	11.8	11.8
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	18.8	11.8	11.8	13.8	11.8	11.8

Estimate of current year (FY 98) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would require quarterly verification (via postcard) of an estimated 500 sex offenders who are obligated to register for their lifetimes. The figures are based on the approximate 230 new sex offenders per year subject to registration and a 10% rate of certified letters (Section 17 of Bill) returned unsigned by the new registrants. The regulation project will be required in the first year only.

Prepared By: F/Sgt. Don Bowman Phone: 269-5084
 Division: Alaska State Troopers Date: 02/20/98
 Approved by Commissioner: Ronald L. Otte *Dee Smith* Date: 2/23/98
 Agency: Department of Public Safety

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FISCAL NOTE(S)

FISCAL NOTE

REPORTED OUT OF

5/3/98

No: 8

Bill Version: CSHB 252 (FIN)

BILL NO: (H) Publish Date: 4/3/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date: 3/18/98 Dept. Affected: Public Safety
 Title: Criminal records and sex offender/child BRU: Statewide Support
kidnapper registration Component: Information Systems
 Sponsor: Rep. Ryan
 Requester: House Judiciary COMPONENT SERIAL NO. 0528

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	30.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	30.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	30.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	30.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY 98) impact: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

DPS will contract for computer programming services to modify APSIN and the sex offender registry application, including: adding fields for anticipated change of address, vehicle information, and treatment status; tolling the 15 year registration period, and tracking annual and 90-day address verification/notification. DPS estimates this work will require:

400 hours at \$75 per hour = \$30,000

DPS is applying for a federal grant to accomplish those tasks.

Prepared By: Kenneth Bischoff, Director Phone: (907) 465-4336
 Division: Administrative Services Date: _____
 Approved by Commissioner: Ronald L. Otte Date: 3/18/98
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

5/9/98 No: 7
 Version: CSHB 252 (FIN)
 (H) Publish Date: 4/3/98

STATE OF ALASKA 1998 LEGISLATIVE SESSION

Revision Date: _____
 Title: Sex Offender Registration
 Sponsor: Rep. Ryan
 Requestor: _____

Dept. Affected: Alaska Court System
 BRU: Trial Courts
 Component: _____
 COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	5.8	5.8	5.8	5.8	5.8	5.8
TRAVEL						
CONTRACTUAL	6.5	6.5	6.5	6.5	6.5	6.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	12.3	12.3	12.3	12.3	12.3	12.3
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	12.3	12.3	12.3	12.3	12.3	12.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	12.3	12.3	12.3	12.3	12.3	12.3

Estimate of any current year (FY 98) cost: \$ None

Positions

Full-Time						
Part-Time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Doug Wooliver, Administrative Attorney
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director
 Agency: Alaska Court System

Phone: 264-8265
 Date: 02/23/98
 Date: 02/23/98

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**Alaska Court System
Fiscal Analysis
CSHB 252(JUD)**

HB 252 makes several changes to the sex offender registration laws to bring them into compliance with recent changes in federal law. Additionally, it increases the penalties for failure to register as a sex offender in this state. It is this aspect of the bill that will most directly impact the court system.

Section 1 of this bill adds AS 11.56.835 to the statutes and creates the crime of "failure to register as a sex offender or child kidnapper in the first degree" (a class C felony). Section 2 amends AS 11.56.840 by redesignating the crime of "failure to register as a sex offender" as "failure to register as a sex offender or child kidnapper in the second degree" (a class A misdemeanor). Offenders who fail to register will generally be subject to a second degree offense if it is their first failure to register offense. Failure to register in the first degree will be charged against those who have previously been convicted of failure to register or if they have intentionally failed to register in order to escape detection or identification.

The Department of Law's fiscal note states that last year 127 sex offenders were prosecuted under AS 11.56.840 for failure to register as a sex offender; this note is based on that figure. This note assumes that roughly one half of that number will be felony charges brought under new section AS 11.56.835 and that 10% of those will go to trial. The felony trials are anticipated to last 3 days, including jury selection and judicial time outside the courtroom.

This note does not reflect the additional caseload that is likely to result from the increase in the number of crimes that will be subject to registration requirements. Although such an increase will impact the court system, the extent of that impact is too speculative to estimate.

The note is offset by the amount of time and jury costs the district court would have spent on those cases that will now be heard in superior court.

Committee testimony on this bill alleges a growing frustration with the problem of sex offenders failing to register. If this frustration is widely felt, it is anticipated that the number of persons charged with failure to register will increase. This note does not reflect that increase because of the difficulty in speculating the extent of its impact. However, if the increase is significant, the court system may return to the legislature for additional funding.

Alaska Court System

Fiscal Analysis

CSHB 252 (JUD)

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, Anchorage, PPT, 1 month <i>(additional judicial resources needed for increased trial rate for felonies)</i>	\$ 4,875	\$ 1,925	\$ 6,800
Offset: judicial time currently expended at district court level			<u>(1,000)</u>
Net personal services			5,800

Contractual

Jury fees for an estimated 7 superior court felony trials: 13 jurors at \$25 a day for 3 days			6,825
Offset: assuming a 2% trial rate for misdemeanors or 1 trial: 7 jurors at \$25 a day for 2 days			<u>(350)</u>
Net jury fees			<u>6,475</u>
Estimated total cost			<u>\$ 12,275</u>

FISCAL NOTE

No: 6
 Bill version: CSHB 252 (FIN)
 (H) Publish Date: 4/3/98

**STATE OF ALASKA
 1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) 04/01/98 Dept. Affected Corrections
 Title An Act relating to criminal records; relating to BRU Administration and Operations
notice about and registration of sex offenders and child... Component ALL
 Sponsor Representative Ryan
 Requester (H) FIN Component Serial No. #0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	31.6	104.3	104.3	104.3	104.3	104.3
TOTAL OPERATING	31.6	104.3	104.3	104.3	104.3	104.3

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	31.6	104.3	104.3	104.3	104.3	104.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	31.6	104.3	104.3	104.3	104.3	104.3

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Please see attached.

Prepared by Bruce Richards
 Division Commissioner's Office
 Approved by Commissioner Margaret M. Pugh
 Agency Department of Corrections

Phone 465-3307
 Date 4/1/98
 Date 4/1/98

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CS HB 252(FIN) will put in place a two tier penalty system for failure to register as a sex offender or child kidnapper. Failure to register in the first degree will result in a presumptive 2 year class C felony sentence. Failure to register in the second degree is a class A misdemeanor with a mandatory minimum sentence of 35 days in jail.

Assumptions:

Based on current data the Dept. of Corrections is assuming that 25 people will be convicted of second degree failure to register, and 2 people will be convicted of first degree failure to register.

Those convicted of failure to register in the second degree will be sentenced to a mandatory minimum sentence of 35 days in jail. The Dept. of Corrections believes those who are convicted of failure to register in the second degree are already serving the mandatory minimum sentence.

Failure to register in the first degree:

2 felons X 464 days X 100.07 per day - cost for 25 days under current law

Felonies require a pre-sentence investigation (PSI) report. The cost per PSI report is \$450

Year	Prisoners	Cost Per Day	Days	Cost Per Yr	PSI Report	Subtract Current Incarceration Costs	Total
FY 99			(half year due to effective date)			(subtract 25 days)	
Felons	2	100.07	183	36,625.6	0.9	(5,003.0)	31,623.5
FY 99 Total							\$31,623.52
FY 00							
New Felons	2	100.07	365	73,051.1	0.9	(5,003.0)	68,049.0
Residual Felons	2	100.07	181	36,225.3	0.0	0.0	36,225.3
FY 00 Total							\$104,274.34

FISCAL NOTE

5/9/98
 No: 5
 Bill Version: CSHB 252 (FIN)
 (H) Publish Date: 4/3/98

**STATE OF ALASKA
 1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) _____ Dept. Affected _____ Law _____
 Title An Act relating to criminal records; ... to notice... BRU Criminal Division
registration of sex offenders and child kidnappers; ... Rules 11(c)... Component 1st-4th Jud Dist: OSPA
 Sponsor Representative Ryan
 Requester House Finance Committee Component Serial No 2192-99/2261/79/01/03

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 CSHB 252 (JUD) increases the charge for the second offense of failure to register as a sex offender from a class A misdemeanor to a class C felony, and adds child kidnappers as individuals who must register. The bill also requires quarterly written verification of the sex offender's or child kidnapper's address and the other information required.

The department does not anticipate that there will be a large number of new felony cases for failure to register as a result of this bill. Any new cases will also be spread among the many district attorneys offices around the state, and should not create an undue burden on any particular office. We do not anticipate any fiscal impact at this time. However, if significant numbers of such cases are referred for prosecution, it could have a fiscal impact on the department and we would seek to reassess our budget position at that time.

Prepared by Joan M. Kasson *Joan M. Kasson* Phone 465-5370
 Division Attorney General's Office Date 2/26/98
 Approved by Commissioner Bruce M. Botelho, Attorney General Date 2/26/98
 Agency Department of Law

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COMMITTEE COPY

FISCAL NOTE

Bill Version: CSHB 252 (JUD)

Publish Date: 2/18/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

5/9/98

Revision Date: _____
Title: " An Act relating to criminal records"
Sponsor: Representative Ryan
Requestor: (H) JUD

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	36.5	36.5	36.5	36.5	36.5	36.5
TRAVEL	1.8	1.8	1.8	1.8	1.8	1.8
CONTRACTUAL	8.3	8.3	8.3	8.3	8.3	8.3
SUPPLIES	1.8	1.8	1.8	1.8	1.8	1.8
EQUIPMENT	6.5	.2	.2	.2	.2	.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	54.9	48.6	48.6	48.6	48.6	48.6

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.9	48.6	48.6	48.6	48.6	48.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	54.9	48.6	48.6	48.6	48.6	48.6

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill amends sex offender registration laws in a number of ways. It changes the failure to register from a class A misdemeanor to a class C felony. It greatly adds to the offenses that give rise to the requirement to register upon conviction, including child kidnapping, promoting prostitution, and solicitation and conspiracy to commit the included offenses. It makes the registration requirements more difficult to satisfy by requiring quarterly verification, reducing the time period to comply, and requiring additional information about motor vehicles, treatment and unconditional discharge. Additionally it provides for statewide newspaper publication of the names and addresses of each person that registers. Each of these changes will greatly increase the numbers of people who fail to comply and will thereby be committing a felony offense. Fiscal impact is certain. There are currently 1573 registered offenders under the existing law. Estimates are that this is only about 50% compliance. In FY 97 the Department of Law prosecuted 127 cases as misdemeanors. Felony cases are the most time consuming and labor intensive of the agency's workload. Because many of the current cases are in Anchorage, a half time Attorney III will be added. This is a very conservative estimate.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2/4/98

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