

**ALASKA LEGISLATURE**

**2044**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000**

**SB**

**3**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 1/25/99

FURTHER: 2/2/99

DATE TURNED IN TO OFFICE: 2 Feb 99

Finance Committee considered

SENATE BILL NO. 3

"An Act relating to the crimes of murder, solicitation to commit murder in the first degree, manslaughter, and criminally negligent homicide; relating to homicides of children; and relating to the crime of interference with custody of a child or incompetent person."

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>Bill E. Hood</i>	✓				
<i>Lynne Green</i>	✓				
<i>Patricia Kelly</i>	✓				
<i>Joe Adams</i>	✓				
<i>George Leibel</i>	✓				
<i>Edward D. Simon</i>	✓				
<i>William D. ...</i>	✓				
Co-Chair: <i>William D. ...</i>	✓	Co-Chair:			
Co-Chair: <i>Heidi ...</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
Admin/ Public Advocacy	1/22/99		*
Law	1/22/99	0	
Admin/ Public Defender	1/22/99		*
Corrections	1/21/99	0	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

No. 4 2/2/99  
 Bill Version: SB 3  
 (S) Publish Date: 1-25-99

STATE OF ALASKA  
 1999 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Administration \_\_\_\_\_  
 Title "An Act relating to the crimes of murder..." BRU Legal and Advocacy Services  
 Component Office of Public Advocacy  
 Sponsor Senator Halford  
 Requester (S) JUD Component Serial No. 43

### Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	**	**	**	**	**	**
Travel	**	**	**	**	**	**
Contractual	**	**	**	**	**	**
Supplies	**	**	**	**	**	**
Equipment	**	**	**	**	**	**
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	**	**	**	**	**	**

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	**	**	**	**	**	**
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	**	**	**	**	**	**

Estimate of any current year (FY99) cost: \$ \_\_\_\_\_

### POSITIONS

Full-time						
Part-time						
Temporary						

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

The Office of Public Advocacy is currently unable to provide precise cost data.

Prepared by Brant McGee, Public Advocate Phone 269-3500  
 Division Office of Public Advocacy Date/Time #####  
 Approved by Commissioner Robert G. Poe *Alison M. Elger* Date 1/22/99  
 Agency Administration

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# FISCAL NOTE

2/2/99

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

No. 3  
Bill Version: SB 3  
'S) Publish Date: 1-25-99

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Law  
 Title An Act relating to the crime of murder and to BRU Criminal Division  
murder of children. Component 1st-4th Jud Dist, Crim Apps/Spec Lit  
 Sponsor Senator Halford  
 Requester Senate Judiciary Committee Component Serial No. 2198-99/2261/79/01/03

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

SB 3 increases the penalties for those people who kill children. These changes will have no fiscal impact on the Department of Law. The department already aggressively pursues criminal cases involving the murder of a child. Enactment of this legislation will increase the penalties for those charged, but will not increase the department's workload.

Prepared by Joan M. Kasson  
 Division Attorney General's Office  
 Approved by Commissioner Bruce M. Botelho, Attorney General  
 Agency Department of Law

Phone 465-5370  
 Date/Time 1/22/99, 9:14 AM  
 Date 1/22/99

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FISCAL NOTE

2/2/99

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

No. 2  
Bill Version: SB 3  
(S) Publish Date: 1-25-99

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the crimes of murder..."  
Sponsor: Senator Halford  
Requestor: (S) 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 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL	**	**	**	**	**	**
CONTRACTUAL	**	**	**	**	**	**
SUPPLIES	**	**	**	**	**	**
EQUIPMENT	**	**	**	**	**	**
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**

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	**	**	**	**	**	**
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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

Phone: (907) 264-4414  
Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe Jr.  
Agency: Department of Administration

Date: 1/22/99

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FISCAL NOTE

STATE OF ALASKA

BILL NO. SB 3

#2

1999 LEGISLATIVE SESSION

ANALYSIS: (Continued)

The proposed legislation re-writes the homicide laws in Alaska based solely upon a victim's status as a child younger than 16. The bill makes it easier to charge and convict individuals and increases the sentences they receive based solely upon a victim's status as a child younger than 16. The bill also expands the definition of felony custodial interference.

Alaska's current set of homicide laws is a well ordered and logical system of varying degrees of seriousness and consequences based upon the conduct, the intent, and the circumstances surrounding the offense. The punishment for crimes against children, or other particularly vulnerable victims such as the elderly or the disabled, can already be enhanced when appropriate. There is no need to make separate laws based solely upon the victim's status. The bill is part of an ill-advised trend to make significant changes to Alaska's reasonable, orderly criminal justice system based upon anecdotal and incomplete information. Because the law already takes into account the vulnerable nature of children, such changes are unnecessary and damaging to the quality of the system as a whole.

Increasing the penalties based upon the status of the victim, and making it easier to charge and convict individuals will increase the workload of Agency attorneys who are already appointed to represent most of the defendants in these types of cases. The Department of Law already aggressively pursues these types of criminal cases. Increasing penalties for merely negligent or reckless conduct disproportionately to other cases will result in increased numbers of these cases proceeding to costly and expensive jury trials rather than settlement. Such significant increases will likely foster a "nothing to lose by going to trial" attitude. Additional litigation will also result in lower level charges to prevent the accumulation of the predicate convictions that may later form the basis for these enhanced charges.

Child homicide trials are often very expensive because of the complex medical and psychological issues that arise. These cases, for example, can involve cutting edge medical diagnoses like the "shaken baby syndrome." Investigation is often difficult and expensive as well. The Department of Law will have some of its expenses covered by other agencies, such as the Medical Examiner's office in the Department of Public Safety, the Alaska State Troopers, local police departments, and the State Crime Lab. However, the Public Defender Agency has to pay for all its expenses out of its budget.

Last year the Department of Law received an additional criminal prosecutor specifically to increase response to child abuse and neglect. Whether by means of this fiscal note, or a different incremental appropriation, balance must be maintained to effectively process these cases through the court system.

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

No. 1 870 2/2/99  
Bill Version: SB 3  
(S) Publish Date: 1-25-99

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Department of Corrections  
Title An Act relating to the crimes of murder, BRU Administration and Operations  
solicitation to commit murder in the first degree, manslaughter Component All  
Sponsor Senator Halford  
Requester Senate Judiciary Component Serial No. #0694

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous		35.8	35.8	86.0	143.3	179.1
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>35.8</b>	<b>35.8</b>	<b>86.0</b>	<b>143.3</b>	<b>179.1</b>

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		35.8	35.8	86.0	143.3	179.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>35.8</b>	<b>35.8</b>	<b>86.0</b>	<b>143.3</b>	<b>179.1</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by Bruce Richards Phone 465-3307  
Division Commissioner's Office Date/Time 1/21/99 3:25 PM  
Approved by Commissioner Margaret M. Pugh Date 1/21/99  
Agency Department of Corrections

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#1

FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION  
DEPARTMENT OF CORRECTIONS

BILL NO. SB 3  
PAGE 2 of 2  
DATE 1/21/98

Section 1. In consultation with the Dept. of Law it was determined this section will have a budgetary impact. However, it will most likely occur outside the scope of this fiscal note. This type of crime happens rarely and therefore is difficult to estimate the fiscal impact.

Section 2. The Dept. of Corrections does not anticipate a fiscal impact as a result of the changes made to AS 11.41.100.

Section 3 & 6. The Dept. of Law (DOL) estimates the changes proposed to AS 11.41.110(a) in conjunction with the sentencing changes under section five will impact one (1) case per year. The sentencing provisions will increase the mandatory minimum sentence from five (5) to twenty (20) years for a net gain of fifteen (15) years. Subtracting one-third for statutory good time, the actual increase in sentence will be ten (10) years per case.

Section 4. The DOL estimates the increase in penalty for criminally negligent homicide will impact one case per year. This section will raise the penalty from a class C felony to a class B felony. This will result in an additional sentence of one and a half (1.5) years. Subtracting one third for good time results in a total increase of one (1) year per case.

Section 5. No impact.

Section 7. The DOL estimates the changes proposed to AS 12.155.125(c) will impact one case per year. Under current sentencing provisions the offender would be sentenced to a five (5) year presumptive sentence. The proposed change would increase the presumptive sentence to seven (7) years for a net gain of two (2) years. Subtracting one third for statutory good time the actual increase in sentence will be 474 days per case.

Section 8. The impact from the proposed changes in section seven is difficult to project because the language is permissive and left to the discretion of the judge.

# Alaska State Legislature

## Senate

Official Business

**RICK  
HALFORD**

State Capitol  
Juneau, Alaska  
99801-1182  
Phone (907) 465-4958  
Fax (907) 465-4928

P.O. Box 670190  
Chugiak, Alaska 99567  
Phone (907) 694-4958  
Fax (907) 694-0549

600 E. Railroad Avenue  
Wasilla, Alaska 99654  
Phone (907) 376-4958

## Sponsor Statement Senate Bill 3

**"An Act relating to the crimes of murder, solicitation to commit murder in the first degree manslaughter, and criminally negligent homicide; to homicides of children and relating to the crime of interference with custody of a child or incompetent person."**

All too often, when a child is killed, even when the killer is convicted, they do not receive punishment commensurate with the severity of their actions. Tragically, this has especially been the case when very young children are killed. I believe these children, who are the most vulnerable members of our society, are owed far more than our criminal justice system has afforded them. SB 3 makes the following changes to our criminal statutes:

- *amends current law by adding a new form of first degree murder when the death of a child results from the commission or attempted commission of kidnapping, or of a sexual offense,*
- *expands the list of offenses constituting felony murder to include sexual abuse of a minor in the first and second degrees,*
- *elevates criminally negligent homicide from a class C to a class B felony,*
- *establishes a twenty year mandatory minimum sentence for a person convicted of a murder of a child under the age of sixteen,*
- *increases the mandatory minimum sentence (from five to seven years) for manslaughter, when the victim is a child under the age of sixteen,*
- *establishes a new sentencing provision, which allows for a term of unsuspended imprisonment that exceeds the presumptive term, for certain felony offenses if the victim is a child under the age of 16,*
- *establishes the crime of custodial interference in the first degree if a person violates AS 11.41.330 and causes a child or incompetent person to be removed or kept outside the state.*

Children deserve a responsible level of care when they are entrusted to an adult. SB 3 will help accomplish both the goals of deterrence and establishing a punishment more fitting the crime.

Identical legislation was considered by the 20th legislature and moved through the committee process in both bodies with unanimous bipartisan support before dying on the House calendar on the final day of session. Passage of this bill will correct serious deficiencies in our legal system. I urge your support.

# 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 20, 1999

**SUBJECT:** Sectional Summary of SB 3 (Work Order No. 21-LS0028/D)

**TO:** Senator Rick Halford  
Attn: Bill Stoltz

**FROM:** Gerald P. Luckhaupt *JPL*  
Legislative Counsel

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

**Section 1 of the bill** repeals and reenacts AS 11.31.110(c) to provide that solicitation of first degree murder is an unclassified felony punishable as provided in AS 12.55.125. Under current law this offense is a class A felony. This change conforms the penalty for this inchoate crime (solicitation of first degree murder) to the penalties for the other inchoate crimes that have first degree murder as their objective, i.e. attempt to commit first degree murder (AS 11.31.100(d)), and conspiracy to commit first degree murder (AS 11.31.120(h)).

**Section 2 of the bill** (1) amends AS 11.41.100(a)(2) by simplifying the language and expanding the range of conduct proscribed by this particular form of first degree murder of children under 16 years of age; and (2) amends AS 11.41.100(a) by adding a new form of first degree murder which consists of making certain felony murders<sup>1/</sup> of children; these murders are currently, for the most part, proscribed under the felony murder provisions of AS 11.41.110(a)(3) as second degree murder.

**Section 3 of the bill** amends AS 11.41.110(a)(3) by making a conforming change to AS 11.41.110(a)(3) (p. 2, lines 16 - 17) to the recodification of certain felony murders of children as first degree murder and by expanding the application of the felony murder rule of AS 11.41.110(a)(3) to sexual abuse of a minor in the first and second degrees.

**Section 4 of the bill** increases the penalty for criminally negligent homicide from a class C felony to a class B felony.

---

<sup>1/</sup>When the death of a child results from the commission or attempted commission of a sexual offense or kidnapping of the child.

**Section 5 of the bill** amends AS 11.41.320(a) by providing that a person commits the crime of interference with child custody if the person causes the victim to be kept out of state in addition to removing the victim from the state as provided under existing law.

**Section 6 of the bill** amends AS 12.55.125(b) by requiring a 20 year mandatory minimum sentence for a person convicted of murder in the second degree of a child under the age of 16 and the court finds by clear and convincing evidence that the person was the legal guardian of the child or occupied a position of authority in relation to the child or caused the death of the child during commission of an offense under AS 11.41.200 - 11.41.530.

**Section 7 of the bill** established a presumptive sentence of seven years for a first felony offender convicted of manslaughter in the death of a child under 16 years of age.

**Section 8 of the bill** amends AS 12.55.125(k) by instructing courts that a first felony offender convicted of criminally negligent homicide of a child under 16 years of age may be sentenced to a term of imprisonment that is greater than the presumptive term for a second or third felony offender.

**Section 9 of the bill** provides that the bill only applies to offenses committed on or after the effective date of the bill.

GPL:glc  
99-120.glc

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

July 23, 1998

The Honorable Randy Phillips  
Alaska State Senator  
P. O. Box 142  
Eagle River, AK 99577

Dear Senator Phillips:

This is in response to your request for our comments about the Alaska laws relating to child homicides, and the sentencing in those cases. Let us start by pointing out that we continue to support the ideas in Senate Bill 218, introduced last session by Senator Halford. That bill would have made several important changes in the laws that define homicides when the victim is a child. In general, the bill would have made many homicides more serious offenses, carrying more serious penalties.

In addition, the bill would have made many changes to the sentencing in child homicide cases. For example, under current law a judge has the discretion to give a sentence as low as five years for second degree murder. Indeed, were it not for the powerful and moving testimony and letters of Linda Tellsworth and her family and friends, we might not have gotten the sentence that we did in the recent case of the murder of Kyle Tellsworth. Senate Bill 218 would have changed the law such that 20 years of unsuspended time would be the *minimum* that could be imposed if the victim is under 16 and the death occurred by violent means. Senate Bill 218 would have also made sentences longer than are now being given, even if the defendant is convicted of lesser offenses such as manslaughter and criminally negligent homicide. We believe these are appropriate changes, and we support them.

PLEASE REPLY TO:

- CRIMINAL DIVISION CENTRAL OFFICE  
P.O. BOX 110300  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 485-3428  
FAX: (907) 485-4043
- CRIMINAL DIVISION CENTRAL OFFICE  
310 K STREET, SUITE 501  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-6379  
FAX: (907) 269-6321
- OFFICE OF SPECIAL PROSECUTIONS AND APPEALS  
310 K STREET, SUITE 308  
ANCHORAGE, ALASKA 99501-2064  
PHONE: (907) 269-6250  
FAX: (907) 269-6270

The Honorable Randy Phillips  
Alaska State Senator

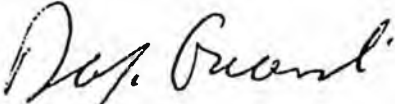
July 23, 1998  
Page 2

We understand you will be meeting with Linda Tellsworth, and we ask that you convey to her our gratitude for her letters and testimony. We cannot hope to fully appreciate what she is feeling, and we know her testimony must have been painful for her.

Please contact us if we can be of further assistance.


Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

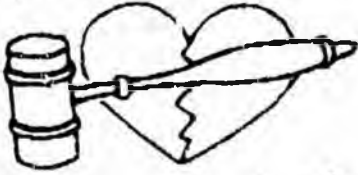
By:   
Dean J. Guaneli  
Chief Assistant Attorney General

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Mary Anne Henry  
Assistant District Attorney

DJG:tg

**VICTIMS**

**for Justice** 619 East Fifth Avenue - Anchorage, AK 99501  
(907) 278-0977 • Fax: (907) 258-0740

January 21, 1999

Senator Robin Taylor, Chair  
Members of the Judiciary Committee  
State Capitol  
Juneau, AK 99801-1182

Re: YES on Senate Bill 3!

Dear Senator Taylor and Members of the Judiciary Committee:

*A child is dead!* Our minds stagger at the jarring impact. One of the greatest tragedies of all is the death of a child from abuse or neglect. It is not an accident when a child is so severely abused or neglected that it results in death. Parents/legal guardians deliberately murder children every year!

We are shocked and horrified by these senseless deaths of children. What remains equally senseless is that most of the people who murder these children receive very little jail time or no jail time at all.

Victims for Justice strongly supports the proposed Senate Bill 3; "relating to the homicide of children."

Crimes of violence that destroy our children must not be minimized or trivialized. It is time to ensure that those who abuse and kill our children are dealt with in the strongest possible terms. The laws must change so innocent children will be saved.

Please support the passage of Senate Bill 3.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Satterfield".

Cathy Satterfield  
Director

FROM : DYNAMIC

FAX NO. : 907 258 7662

Jan. 22 1999 05:46AM P1

January 22, 1999

Karen Campbell  
2024 Saratoga Ave.  
Anchorage, AK 99517

Senator Rick Halford  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Halford,

I am Karen Campbell, Bonnie Craig's mother. Bonnie was on her way to school when she was brutally raped and murdered September 28, 1994. Her murderer is still free, free to continue harming the children in our community.

Losing a child is the worst possible pain anyone could go through. The whole family is devastated for years to come. The struggles of dealing with such a senseless tragedy continue to affect my life and the life of Bonnie's brothers and sister. A child's future was taken away. We will never see her graduate from college, her wedding day, or the birth of children she planned. She could have been a doctor or a Nobel Prize Winner. Now, we only have pain and memories.

It saddens me greatly when criminals don't seem to get as much of a sentence for murdering an infant, toddler, or teenager, as they would an adult. Our children are worth so much more. It is our duty to protect our children, our future, and make sure anyone responsible for the death of a child will pay greatly.

I strongly support Senate Bill no. 218. I urge all our lawmakers to stand behind this bill and ensure its swift passage.

Sincerely,

*Karen Campbell*

Karen Campbell  
(907) 261-7662

**SB**

**4**

**HFIN**

**FILE**

Secs. 44.21.500 — 44.21.508. Office of Equal Employment Opportunity. [Repealed, E.O. No. 91 § 3 (1995).]

### Chapter 23. Department of Law.

**Section**

- 10. Attorney general
- 20. Duties; and powers, waiver of immunity
- 25. Department housing
- 30. Promotion of uniform laws
- 40. Records, reports, and recommendations on uniform laws

**Section**

- 50. Employment of attorney to appear before distant court
- 60. Discovery of information and data from transportation business
- 70. Victim/witness assistance program

**Sec. 44.23.010. Attorney general.** The principal executive officer of the Department of Law is the attorney general. (§ 9 ch 64 SLA 1959)

**Collateral references.** — 7 Am. Jur. 2d, Attorney General, § 1 et seq.; 72 Am. Jur. 2d, States, Territories and Dependencies, § 62. 7A C.J.S. Attorney General, § 1 et seq.; 81A C.J.S. States, § 61.

**Sec. 44.23.020. Duties; and powers; waiver of immunity.** (a) The attorney general is the legal advisor of the governor and other state officers.

(b) The attorney general shall

(1) bring, prosecute, and defend all necessary and proper actions in the name of the state for the collection of revenue;

(2) represent the state in all civil actions in which the state is a party;

(3) prosecute all cases involving violation of state law, and file informations and prosecute all offenses against the revenue laws and other state laws where there is no other provision for their prosecution;

(4) administer state legal services, including the furnishing of written legal opinions to the governor, the legislature, and all state officers and departments as the governor directs; and give legal advice on a law, proposed law, or proposed legislative measure upon request by the legislature or a member of the legislature;

(5) draft legal instruments for the state;

(6) make available a report to the legislature, through the governor, at each regular legislative session

(A) of the work and expenditures of the office; and

(B) on needed legislation or amendments to existing law;

(7) perform all other duties required by law or which usually pertain to the office of attorney general in a state; and

(8) prepare, publish, and revise as it becomes useful or necessary to do so an information pamphlet on landlord and tenant rights and the means of making complaints to appropriate public agencies concerning landlord and tenant rights; the contents of the pamphlet and any revision shall be approved by the Department of Law, division of consumer protection, before publication.

(c) Before January 1, 1999, the attorney general may, in a case that involves the state's title to submerged lands, or in any case in which the state seeks to allocate fault to the federal government or a federal employee under AS 09.17.080, waive the state's immunity from suit in federal court provided under the Eleventh Amendment to the Constitution of the United States. The expiration on January 1, 1999, of the attorney general's authority to waive the state's Eleventh Amendment immunity does not affect existing waivers in ongoing cases. (§ 9-1-5 ACLA 1949; am § 1 ch 128 SLA 1959; § 9 ch 64 SLA 1959; am § 1 ch 8 SLA 1976; am § 89 ch 21 SLA 1995; am § 1 ch 3 SLA 1997)

**Effect of amendments.** — The 1995 amendment, effective August 8, 1995, inserted "available" in paragraph (b)(6) and made minor stylistic changes.

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AS 44.21.410. The  
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§ 5, E.O. No. 78, in the

(11)

# HOUSE COMMITTEE REPORT

Date Referred to Committee: May 13, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/20/00

The FINANCE Committee considered:

CSSB 4(FIN)

CS FOR SENATE BILL NO. 4(FIN)

OFFICE OF VICTIMS' RIGHTS

"An Act relating to victims' rights; relating to establishing an office of victims' rights; relating to compensation of victims of violent crimes; relating to eligibility for a permanent fund dividend for persons convicted of and incarcerated for certain offenses; relating to notice of appropriations concerning victims' rights; and amending Rule 16, Alaska Rule of Criminal Procedure, Rule 9, Alaska Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for an effective date."

recommends it be replaced with the following committee substitute HCS CS <sup>SB</sup> 4 (FIN)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: Senate Letter of Intent

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

3  fiscal note(s) DDC  
Law Gov

fiscal note(s)

3  zero fiscal note(s) DOA  
VAA DPS

zero fiscal note(s)

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Therriault</i>	Therriault			X	
<i>Alan Mulder</i>	Mulder			X	
<i>David Bunde</i>	Bunde			X	
<i>Alan Austinman</i>	Austinman			X	
<i>John J. Davis</i>	J. DAVIS				X
<i>Ben Grossman</i>	GROSSMAN			X	
<i>Paul P. Moses</i>	Moses			X	
<i>John G. Davis</i>	G. DAVIS			X	
<i>William Williams</i>	Williams			X	
<i>Paul Phillips</i>	Phillips			X	
<i>John Foster</i>	Foster	X			

CO CHAIR'S SIGNATURE Gene Therriault Alan Mulder

CS FOR SENATE BILL NO. 4(FIN)

LETTER OF INTENT

It is the intent of the Legislature to fund the Office of Victim's Rights solely from the additional revenue generated by the new provisions established in CSSB 4(FIN) under AS 43.23.005(d)(B)(i) and (ii) that make additional criminals ineligible to receive the permanent fund dividend. It is further the intent of the legislature that the funding for the Office of Victim's Rights shall in no way result in a decrease of funding for crime victim's compensation, council on domestic violence and sexual assault, and the Department of Corrections from the funds available due to criminals being ineligible for the permanent fund dividend under AS 43.23.005 as it read before the effective date of this act.

Adopted by the Senate  
April 29, 1999  
CSSB 4(FIN)

# FISCAL NOTE

**STATE OF ALASKA**  
**2000 LEGISLATIVE SESSION**

**BILL NO. HCSCS SB 4(JUD)**

Revision Date/Time (Note if correction) 4/19/00 Dept. Affected Administration  
 Title An Act relating to victims' rights ... BRU Legal and Advocacy Services  
 Component Public Defender Agency  
 Sponsor Senator Halford  
 Requester (H) FIN Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

See attached sheet.

Prepared by: Barbara Brink, Director Phone 264-4414  
 Division Public Defender Agency Date/Time \_\_\_\_\_  
 Approved by Commissioner Robert Poe, Jr. Date 4/19/00  
 Agency Department of Administration

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FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. HCSCS SB 4(JUD)

ANALYSIS: (continued)

This bill would create an Office of Victims' Rights as a legislative agency. The Victims' Advocate would have broad powers to act as an attorney for victims of crime to enforce constitutional guarantees and make statements on behalf of victims in court. It is difficult to say whether or not there would be any fiscal impact on the Public Defender Agency (PDA) as a result of this bill. PDA believes that much of what the Victims' Advocate would do is currently being done by Victim/Witness Coordinators in the Department of Law. If the Victim/Witness Coordinators' work is done by another agency, there should be no fiscal impact on PDA.

Somewhat troubling is Section 9 which disqualifies any misdemeanants from obtaining a PFD if they have a prior felony conviction or two prior misdemeanors. The end result is that an individual victim of an offense is much less likely to get their court-ordered restitution if an offender may not directly assign their PFD check to them. While these funds may then be allocated to the Office of Victims' Rights, the contribution would likely be small. It may be more in an individual victim's interests to have that assignment directly made.

# FISCAL NOTE

**STATE OF ALASKA**  
**2000 LEGISLATIVE SESSION**

**BILL NO. House CS for CS for 564**

Revision Date/Time (Note if correction) <u>4/19/00 5:14 p.m.</u>	Dept. Affected <u>Department of Corrections</u>
Title <u>Act relating to establishing and office of crime victim's rights; relating to compensation of victims of violent...</u>	BRU <u>Administration and Operations</u>
Sponsor <u>Senator Halford</u>	Component <u>Data and Word Processing</u>
Requester <u>House Finance Committee</u>	Component No. _____

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	43.0	43.0	43.0	43.0	43.0	43.0
Travel						
Contractual	0.5	0.5	0.5	0.5	0.5	0.5
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment	2.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>46.5</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	46.5	44.0	44.0	44.0	44.0	44.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>46.5</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

Section 9 of this legislation amends AS 43.23.005(d) which would deny PFD eligibility for people who are convicted and incarcerated for a misdemeanor and they had been previously convicted of a felony, or two or more misdemeanors. The Dept. of Corrections has previously asked for a Statistical Tech I position to accommodate appeals and information requests resulting from PFD denials. The data and word processing unit will be unable to carry out their daily operations if more appeals and computer programming are added without a position.

Prepared by: <u>Candy Brower, Legislative Liaison</u>	Phone <u>465-3307</u>
Division <u>Commissioner's Office</u>	Date/Time <u>4/19/00 5:28 PM</u>
Approved by <u>Commissioner Margaret M. Pugh</u>	Date <u>4-19-00</u>
Agency <u>Dept. of Corrections</u>	

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# FISCAL NOTE

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

**BILL NO. HCS for CS for SB4 (FIN)**

Revision Date	4/20/2000	Dept. Affected	Public Safety
Title	An Act relating to victims' rights... establish an office of victims' rights..."	BRU	Violent Crimes Compensation Board
Sponsor	Senator Halford	Component:	Violent Crimes Compensation Board
Requester	House Finance Committee	Component No.	520

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill is not expected to have a budgetary impact.

Prepared by: <u>Royce Weller, Special Assistant</u>	Phone <u>465-2649</u>
Division <u>Office of the Commissioner</u>	Date/Time <u>4/19/00 5:00 PM</u>
Approved by: <u>Ronald L. Otte</u>	Date <u>4/19/00</u>
Agency <u>Department of Public Safety</u>	

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# FISCAL NOTE

Work Draft "N"

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

**BILL NO. HCS CSSB 4 (FIN)**

Revision Date/Time (Note if correction) _____	Dept. Affected	Law
Title <u>"...establishing an office of victims' rights; amending...Rules of Criminal Procedure...Delinquency Rules..."</u>	BRU	<u>Criminal Division/Civil Division</u>
Sponsor <u>Senator Halford</u>	Component	<u>Human Services</u>
Requester <u>House Finance Committee</u>	Component Serial No.	<u>1st-4th Jud Dist, Crim Apps/Spec Lit</u> <u>2198-99/2261/79/01/03</u> <u>ZZ06</u>

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>			*****	*****	*****	*****

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF			*****	*****	*****	*****
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>			*****	*****	*****	*****

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

HCS CSSB 4 (FIN), Work Draft "N", establishes in the legislative branch the Office of Victims' Rights, directed by the victims' advocate, effective July 1, 2002. The victims' advocate will advocate on behalf of crime victims in felony cases in the courts of the state and investigate complaints of crime victims in felony and certain class A misdemeanor cases that they have been denied their rights under the constitution and laws of the state.

The potential fiscal impact from enactment of this law on the Department of Law is dependent on the philosophy and depth of involvement of the victims' advocate. At a minimum, the length of time required for cases in which the victims' advocate participates will increase, simply by virtue of having an additional attorney involved. The potential that the victims' advocate will be at odds with the prosecutor over matters involving trial strategy, tactics, and plea negotiations would add additional time and expense. These costs are speculative, and the department cannot assign a cost without additional experience.

Prepared by: <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date/Time <u>4/20/00, 9:19 AM</u>
Approved by <u>Bruce M. Botelho, Attorney General</u>	Date <u>4/20/00</u>
Agency <u>Department of Law</u>	

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# FISCAL NOTE

**STATE OF ALASKA**  
**2000 LEGISLATIVE SESSION**

**NO.** \_\_\_\_\_  
**BILL VERSION:** HCS CSSB 4 (FIN)  
**PUBLISH DATE:** \_\_\_\_\_

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to establishing an office of victims' rights; relating to compensation of victims..."  
 Sponsor: Senator Hallford  
 Requestor: House Finance Committee

Department Affected: Legislative Affairs Agency  
 BRU: Legislative Council  
 Component: Council & Subcommittees

**COMPONENT SERIAL NO:**

**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE FUND SOURCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

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

Estimate of current year impact: \_\_\_\_\_

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

Prepared By: Pamela A. Varni, Executive Director  
 Division: Administrative Services

*Pamela A. Varni*

Phone: 465-3800  
 Date: 4/20/00

Approved By: Pamela A. Varni, Executive Director  
 Agency: Legislative Affairs Agency

*Pamela A. Varni*

Date: 4/20/00

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

# FISCAL NOTE

Bill Version: HCSCSSB 4 (FIN)

(H) Publish Date: 4/21/00

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title "An Act relating to establishing an office of BRU Special Offices & Commissions  
victims' rights; relating to compensation of victims..." Component Office of Victims' Rights  
 Sponsor Senator Halford  
 Requester House Finance Committee Component No. \_\_\_\_\_

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	415.3	415.3	415.3	415.3	415.3	415.3
Travel	4.2	4.2	4.2	4.2	4.2	4.2
Contractual	28.6	28.6	28.6	28.6	28.6	28.6
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Equipment	43.4					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>493.5</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>

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

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

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify 1050)	493.5	450.1	450.1	450.1	450.1	450.1
<b>TOTAL</b>	<b>493.5</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time	7	7	7	7	7	7
Part-time						
Temporary						

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

HCSCSSB4(FIN) establishes an Office of Victims Rights in the Office of the Governor. The Victims' Advocate will be appointed for 5 years and compensated at Range 26A. For the purposes of this fiscal note, staff for the Victims Advocate will be 2 attorneys, 1 paralegal, and 3 clerical personnel. Office space will be acquired and furniture and equipment will be purchased to set up the office. If the office were staffed with 1 attorney, 1 paralegal, and 1 clerical position the cost for the initial year would be \$340.6 and \$297.3 thereafter. Funding for this office will be from the Permanent Fund Dividend Fund. This bill adds the Office of Victims rights to the three other programs under AS 43.23.028(b) that require annual appropriation from the PFD Fund by the Legislature.

Prepared by: Michael A. Nizich, Administrative Director *MN* Phone 465-3885  
 Division Administrative Services Date/Time 4/20/00 5:28 PM  
 Approved by: Jim Ayers, Chief of Staff *J. Ayers* Date 04/20/2000  
 Agency Office of the Governor

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## HCSCSSB+(FIN) Analysis

### Personal Services:

Victims Advocate	Rg 26A	90.8
2 Attorneys	Rg 23A	154.5
1 Paralegal	Rg 16A	50.1
1 Secretary	Rg 14A	44.4
1 Secretary	Rg 12A	39.7
1 Clerk	Rg 10A	35.8

415.3

### Travel:

It is anticipated that the victims' advocate will make 3 trips to attend state meetings and 1 trip to meet with victims' rights organizations in other states:

	Transportation	Per Diem
3 instate trips	1.1	1.6
1 out-of-state trip	.8	.7

4.2

### Contractual:

Phones	3.6
Postage	3.0
Copier Maintenance	.6
Membership Dues	.5
Subscriptions	.5
Office space	20.4

28.6

### Supplies:

2.0

2.0

### Equipment:

Phones	3.5
Fax, copier	8.7
Computers/printers	18.5
Desks/chairs/file cabs.	12.7

43.4

**Total Cost 493.5**

1-LS1516\S  
Utermohle  
4/19/00

Adopted w/amendment  
pg 2 line 11

**HOUSE CS FOR CS FOR SENATE BILL NO. 301(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATE FINANCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Chitina dip net fishing permit; and providing for an  
2 effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new  
5 section to read:

6 **LEGISLATIVE FINDINGS, PURPOSE, AND INTENT.** (a) The legislature finds that

7 (1) the Copper River Railroad right-of-way has provided access to the Chitina  
8 dip net fishery for nearly 40 years;

9 (2) the Chitina dip net fishery provides salmon for personal consumption to  
10 more than 20,000 Alaskans each year;

11 (3) disputes over land ownership rights have created access problems in the  
12 past; and

13 (4) agreements between the State of Alaska and the private landowners in the  
14 Chitina dip net fishery area have enabled continuous use of the Copper River Railroad right-

1 of-way to provide access to the fishery since 1987.

2 (b) In approving an increase in the Chitina dip net fishing permit fee, the legislature  
 3 recognizes the need to maintain access to the Chitina dip net fishery for more than 20,000  
 4 Alaskans; however, the current agreement between the state and the private landowners expires  
 5 December 31, 2000. It is the intent of the legislature that (1) the Department of Fish and  
 6 Game enter into a subsequent agreement for access to the fishery by February 28, 2001, with  
 7 the private landholders in the area that will last for three years; and (2) the permit fee is not  
 8 to exceed \$25 during the term of the agreement. Also, during the term of that agreement, the  
 9 Department of Fish and Game is to work with other local, state, and federal agencies to secure  
 10 a long-term solution by a lease, land exchange, or other means. The Department of Fish and  
 11 Game is to work with private landowners and the Department of Natural Resources to identify  
 12 ~~all public lands within the Copper River Railroad right-of-way, utilizing global position~~  
 13 ~~satellite methodology, to carry out this intent, the costs of which should be paid from the~~  
 14 revenues generated from the Chitina dip net fishing permit fee.

*portion of*  
*Ass w/ Chitina dip net fishery*  
*+ DOT*  
*the most cost efficient methodology available*

15 \* Sec. 2. AS 16.05.340(a)(22) is amended to read:

16 (22) Chitina [PERSONAL USE SALMON] dip net fishing  
 17 permit ..... 25 [10]

18 A person who has received a permanent identification card issued under  
 19 AS 16.05.400(b) may obtain a Chitina dip net fishing permit without charge.  
 20 The members of the family of a person who has obtained a Chitina dip net fishing  
 21 permit are not required to have a Chitina dip net fishing permit while they are  
 22 engaged in dip net fishing at Chitina if they are engaged in fishing in the presence  
 23 of the person and the person has the Chitina dip net fishing permit in the  
 24 person's physical possession. In this paragraph, "family" means persons who are  
 25 related by blood, marriage, or adoption and who live in the same household on  
 26 a permanent basis. The legislature may appropriate the receipts from the sale of  
 27 the permit to the fish and game fund.

28 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

Adopted 4/19/00

HOUSE CS FOR CS FOR SENATE BILL NO. 4(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS HALFORD, Donley, Green, Leman, Taylor, Wilken, Tim Kelly, Lincoln, Ellis, Parnell, Mackie, Miller, Pete Kelly, Ward

REPRESENTATIVE Porter

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to victims' rights; relating to establishing an office of victims'  
2 rights; relating to compensation of victims of violent crimes; relating to eligibility  
3 for a permanent fund dividend for persons convicted of and incarcerated for  
4 certain offenses; relating to notice of appropriations concerning victims' rights;  
5 amending Rule 16, Alaska Rules of Criminal Procedure, Rule 9, Alaska  
6 Delinquency Rules, and Rule 501, Alaska Rules of Evidence; and providing for  
7 an effective date."

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

9 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new  
10 section to read:

11 SHORT TITLE. This Act may be known as the Crime Victims' Rights and Advocacy  
12 Act of 2000.

13 \* Sec. 2. AS 12.55.023(b) is amended to read:

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(b) A victim may submit to the sentencing court a written statement that the victim believes is relevant to the sentencing decision [,] and may give sworn testimony or make an unsworn oral presentation to the court at the sentencing hearing. If there are numerous victims, the court may reasonably limit the number of victims who may give sworn testimony or make an unsworn oral presentation during the hearing. When requested by the victim of a felony or a class A misdemeanor, if the class A misdemeanor is a crime involving domestic violence or a crime against a person under AS 11.41, when the victim does not submit a statement, give testimony, or make an oral presentation, the victims' advocate may submit a written statement or make an unsworn oral presentation at the sentencing hearing on behalf of the victim.

\* Sec. 3. AS 18.67.130(c) is amended to read:

(c) Compensation may not be awarded under this chapter in an amount in excess of \$30,000 [\$25,000] per victim per incident. However, in the case of the death of

(1) a victim who has more than one dependent eligible for compensation, the total compensation that may be awarded as a result of that death may not exceed \$50,000; the [\$40,000. THE] board may prorate the total awarded among those dependents according to relative need; or

(2) two or more victims in the same incident who jointly have a dependent eligible for compensation, the total compensation that may be awarded as a result of those deaths may not exceed \$50,000.

\* Sec. 4. AS 24.60.990(a)(9) is amended to read:

(9) "legislative director" means the director of the legislative finance division, the legislative auditor, the director of the legislative research agency, the ombudsman, the victims' advocate, the executive director of the Legislative Affairs Agency, and the directors of the divisions within the Legislative Affairs Agency;

\* Sec. 5. AS 24 is amended by adding a new chapter to read:

**Chapter 65. Office of Victims' Rights.**

**Sec. 24.65.010. Office of victims' rights.** There is created in the legislative branch of the state the office of victims' rights. The victims' advocate is the director

*amend mts #3*  
*Mike ?*

1 of the office of victims' rights.

2 **Sec. 24.65.020. Appointment of the victims' advocate.** (a) A candidate for  
3 appointment as the victims' advocate shall be nominated by the victims' advocate  
4 selection committee composed of three members of the senate appointed by the  
5 president of the senate and three members of the house of representatives appointed  
6 by the speaker of the house. One member of a minority party caucus in each house  
7 shall be appointed to the selection committee.

8 (b) The victims' advocate selection committee shall examine persons to serve  
9 as victims' advocate regarding their qualifications and ability and shall place the name  
10 of the person selected in nomination. The appointment is effective if the nomination  
11 is approved by a roll call vote of two-thirds of the members of the legislature in joint  
12 session. The vote on the appointment shall be entered in the journals of both houses.

13 **Sec. 24.65.030. Qualifications.** A person may not serve as victims' advocate

14 (1) unless the person has been a resident of the state for the three years  
15 immediately preceding the person's appointment;

16 (2) unless the person has been engaged in the active practice of law for  
17 the three years immediately preceding the person's appointment;

18 (3) unless the person has significant experience in criminal law;

19 (4) unless the person is an attorney licensed to practice law in this  
20 state;

21 (5) within one year of the last day on which the person served as a  
22 member of the legislature;

23 (6) while the person is a candidate for or holds another national, state,  
24 or municipal office; the victims' advocate may not become a candidate for national,  
25 state, or municipal office until one year has elapsed from the date the victims' advocate  
26 vacates the office of victims' advocate;

27 (7) while the person is engaged in another occupation for which the  
28 person receives compensation;

29 (8) unless the person is at least 21 years of age and is a qualified voter.

30 **Sec. 24.65.040. Term of office.** (a) The term of office of the victims'  
31 advocate is five years. A victims' advocate may be reappointed but may not serve for

1 more than three terms.

2 (b) If the term of a victims' advocate expires without the appointment of a  
3 successor under this chapter, the incumbent victims' advocate may continue in office  
4 until a successor is appointed. If the victims' advocate dies, resigns, becomes  
5 ineligible to serve, or is removed or suspended from office, the person appointed as  
6 acting victims' advocate under AS 24.65.070(a) serves until a new victims' advocate  
7 is appointed for a full term.

8 **Sec. 24.65.050. Removal.** The legislature, by a concurrent resolution adopted  
9 by a roll call vote of two-thirds of the members of each house entered in the journal,  
10 may remove or suspend the victims' advocate from office, but only for neglect of duty,  
11 misconduct, or disability.

12 **Sec. 24.65.060. Compensation.** The victims' advocate is entitled to receive  
13 an annual salary equal to Step A, Range 26, on the salary schedule set out in  
14 AS 39.27.011(a) for Juneau.

15 **Sec. 24.65.070. Staff and delegation.** (a) The victims' advocate shall appoint  
16 a person to serve as acting victims' advocate in the absence of the victims' advocate.  
17 The victims' advocate shall also appoint assistants and clerical personnel necessary to  
18 carry out the provisions of this chapter. Subject to AS 36.30.020 and subject to the  
19 approval of the Alaska Legislative Council, the victims' advocate shall, to the  
20 maximum extent practicable, conduct the duties and work of the office by entering into  
21 personal services and other contracts the victims' advocate finds necessary to carry out  
22 the provisions of this chapter.

23 (b) The victims' advocate may delegate to the assistants any of the victims'  
24 advocate's duties except those specified in AS 24.65.150 and 24.65.160; however,  
25 during the victims' advocate's absence from the principal business offices, the victims'  
26 advocate may delegate the duties specified in AS 24.65.150 and 24.65.160 to the  
27 acting victims' advocate for the duration of the absence. The duties specified in  
28 AS 24.65.150 and 24.65.160 shall be performed by the acting victims' advocate when  
29 serving under AS 24.65.040(b).

30 (c) The victims' advocate and the staff appointed by the victims' advocate are  
31 in the exempt service under AS 39.25.110 and are not subject to the employment

1 policies under AS 24.10 or AS 24.20.

2 **Sec. 24.65.080. Office facilities and administration.** (a) Subject to  
3 restrictions and limitations imposed by the executive director of the Legislative Affairs  
4 Agency, the administrative facilities and services of the Legislative Affairs Agency,  
5 including computer, data processing, and teleconference facilities, may be made  
6 available to the victims' advocate to be used in the management of the office of  
7 victims' rights and to carry out the purposes of this chapter.

8 (b) The salary and benefits of the victims' advocate and the permanent staff  
9 of the victims' advocate shall be paid through the same procedures used for payment  
10 of the salaries and benefits of other permanent legislative employees.

11 (c) The victims' advocate shall submit a budget for each fiscal year to the  
12 Alaska Legislative Council, and the council shall annually submit an estimated budget  
13 to the governor for information purposes in the preparation of the executive budget.  
14 After reviewing and approving, with or without modifications, the budget submitted  
15 by the victims' advocate, the council shall submit the approved budget to the finance  
16 committees of the legislature.

17 **Sec. 24.65.090. Procedure.** (a) The victims' advocate shall, by regulations  
18 adopted under AS 44.62 (Administrative Procedure Act), establish procedures for  
19 advocacy on behalf of crime victims, receiving and processing complaints, conducting  
20 investigations, reporting findings, and ensuring that confidential information obtained  
21 by the victims' advocate in the course of advocacy on behalf of a crime victim or in  
22 the course of an investigation will not be improperly disclosed. The victims' advocate  
23 may establish procedures so that advocacy and investigations on behalf of crime  
24 victims in felony cases take a priority over advocacy and investigations on behalf of  
25 crime victims in misdemeanor cases.

26 (b) The office of victims' rights may not charge fees for the submission or  
27 investigation of complaints.

28 **Sec. 24.65.100. Jurisdiction; duties.** (a) The victims' advocate has  
29 jurisdiction to advocate on behalf of crime victims of felony offenses or class A  
30 misdemeanors, if the class A misdemeanor is a crime involving domestic violence or  
31 a crime against a person under AS 11.41, in the courts of the state and to investigate

1 the complaints of crime victims of felony offenses or class A misdemeanors, if the  
2 class A misdemeanor is a crime involving domestic violence or a crime against a  
3 person under AS 11.41, that they have been denied their rights under the constitution  
4 and the laws of the state. In this subsection, "crime involving domestic violence" has  
5 the meaning given in AS 18.66.990.

6 (b) The victims' advocate shall exercise reasonable care to

7 (1) ensure that the victims' advocate's exercise of jurisdiction granted  
8 under this section does not interfere with an ongoing criminal investigation or with a  
9 criminal prosecution;

10 (2) prevent employees of the office of victims' rights from making  
11 extrajudicial statements that the victims' advocate is prohibited from making under the  
12 Alaska Rules of Professional Conduct.

13 (c) The victims' advocate may not advise, counsel, or advocate on behalf of  
14 a victim in a way that would

15 (1) prevent or discourage a victim from cooperating in a criminal  
16 investigation;

17 (2) encourage a victim to withhold evidence in a criminal investigation;  
18 or

19 (3) prevent or discourage a victim from testifying in a criminal  
20 proceeding.

21 **Sec. 24.65.110. Advocacy on behalf of crime victims; records.** (a) The  
22 victims' advocate shall assist crime victims in obtaining the rights crime victims are  
23 guaranteed under the constitution and laws of the state with regard to the contacts  
24 crime victims have with the justice agencies of the state.

25 (b) The victims' advocate may make the statement a crime victim is authorized  
26 to make under art. I, sec. 24, Constitution of the State of Alaska, and AS 12.55.023  
27 in a court of the state when requested by the crime victim and when the crime victim  
28 does not personally make a statement.

29 (c) When advocating on behalf of a crime victim in an ongoing criminal case  
30 or juvenile adjudication, the victims' advocate is entitled to all information available  
31 to the defendant or juvenile.

1 (d) Records obtained by the victims' advocate shall remain in the exclusive  
2 custody of the victims' advocate. The victims' advocate may not disclose confidential  
3 information to any person.

4 **Sec. 24.65.120. Investigations.** (a) The victims' advocate may investigate  
5 complaints from crime victims that they have been denied the rights they are  
6 guaranteed under the constitution and laws of this state.

7 (b) In an investigation, the victims' advocate may

8 (1) make inquiries and obtain information considered necessary;

9 (2) hold private hearings; and

10 (3) notwithstanding other provisions of law, have access at all times to  
11 records of justice agencies, including court records of criminal prosecutions and  
12 juvenile adjudications, necessary to ensure that the rights of crime victims are not  
13 being denied; with regard to court and prosecution records, the victims' advocate is  
14 entitled to obtain access to every record that the defendant is entitled to access or  
15 receive.

16 (c) The victims' advocate shall maintain confidentiality with respect to all  
17 matters and the identities of the complainants or witnesses coming before the victims'  
18 advocate except insofar as disclosures may be necessary to enable the victims' advocate  
19 to carry out duties and to support recommendations. However, the victims' advocate  
20 may not disclose a confidential record obtained from a court or justice agency.

21 **Sec. 24.65.130. Powers.** (a) Subject to the privileges that witnesses have in  
22 the courts of this state, the victims' advocate may compel by subpoena, at a specified  
23 time and place, the

24 (1) appearance and sworn testimony of a person who the victims'  
25 advocate reasonably believes may be able to give information relating to a matter  
26 under investigation under AS 24.65.120; and

27 (2) production by a person of a record or object that the victims'  
28 advocate reasonably believes may relate to the matter under investigation under  
29 AS 24.65.120.

30 (b) If a person refuses to comply with a subpoena issued under (a) of this  
31 section, the superior court may, on application of the victims' advocate, compel

1 obedience by proceedings for contempt in the same manner as in the case of  
2 disobedience to the requirements of a subpoena issued by the court or refusal to testify  
3 in the court.

4 (c) This section does not authorize the victims' advocate to issue a subpoena  
5 to

6 (1) a justice, judge, magistrate, or a law clerk acting under the direction  
7 of a justice, judge, or magistrate, concerning a judicial action or nonaction taken by,  
8 or under the direction of, the justice, judge, or magistrate;

9 (2) a person acting under the direction of a justice, judge, or magistrate,  
10 other than a law clerk, concerning a judicial action or nonaction taken by, or under the  
11 direction of, a justice, judge, or magistrate except to establish the occurrence or  
12 nonoccurrence of the action or nonaction or the person's own actions or nonactions;  
13 this paragraph does not authorize the victims' advocate to inquire into the decision-  
14 making or thought process of the justice, judge, or magistrate;

15 (3) a member of a jury concerning a matter that was considered by the  
16 jury; or

17 (4) the person accused or convicted of committing the crime that is the  
18 basis for the complaint, and investigation under AS 24.65.120. concerning a denial of  
19 rights.

20 **Sec. 24.65.140. Consultation.** Before giving an opinion or recommendation  
21 that is critical of a justice agency or person as a result of an investigation under  
22 AS 24.65.120, the victims' advocate shall consult with that agency or person. The  
23 victims' advocate may make a preliminary opinion or recommendation available to the  
24 agency or person for review, but the preliminary opinion or recommendation is  
25 confidential and may not be disclosed to the public by the agency or person.

26 **Sec. 24.65.150. Procedure after investigation.** (a) The victims' advocate  
27 shall report the advocate's opinion and recommendations to a justice agency if the  
28 victims' advocate finds, after investigation under AS 24.65.120, that the agency has  
29 denied a crime victim rights the crime victim is guaranteed under the constitution and  
30 laws of this state.

31 (b) The victims' advocate may request the justice agency to notify the victims'

1 advocate, within a specified time, of any action taken on the recommendations.

2 (c) The report provided under (a) of this section is confidential and may not  
3 be disclosed to the public by the justice agency. The victims' advocate may disclose  
4 the report under AS 24.65.150 only after providing notice that the investigation has  
5 been concluded to the agency and after receiving the written approval of the  
6 complainant to release the report.

7 **Sec. 24.65.160. Publication of recommendations.** Except as provided in  
8 AS 24.65.150(c), within a reasonable amount of time after the victims' advocate reports  
9 the advocate's opinion and recommendations to a justice agency, the victims' advocate  
10 may present the opinion and recommendations to the governor, the legislature, a grand  
11 jury, the public, or any of these. The victims' advocate shall include with the opinion  
12 any reply made by the agency.

13 **Sec. 24.65.170. Annual report.** The victims' advocate shall make available  
14 to the public an annual report of the victims' advocate's activities under this chapter  
15 and notify the legislature that the report is available.

16 **Sec. 24.65.180. Judicial review.** A proceeding or decision of the victims'  
17 advocate may be reviewed in superior court only to determine if it is contrary to the  
18 provisions of this chapter.

19 **Sec. 24.65.190. Immunity of the victims' advocate.** A civil action may not  
20 be brought against the victims' advocate or a member of the victims' advocate's staff  
21 for anything done, said, or omitted in performing the victims' advocate's duties or  
22 responsibilities under this chapter.

23 **Sec. 24.65.200. Victims' advocate's privilege not to testify or produce**  
24 **documents or other evidence.** The victims' advocate and the staff of the victims'  
25 advocate may not be compelled to testify or produce documents or other evidence in  
26 a court regarding matters coming to their attention in the exercise or purported exercise  
27 of their official duties except as may be necessary to enforce the provisions of this  
28 chapter.

29 **Sec. 24.65.210. Penalty.** A person who knowingly hinders the lawful actions  
30 of the victims' advocate or the staff of the victims' advocate, or who knowingly refuses  
31 to comply with their lawful demands, is guilty of a misdemeanor and upon conviction

1 may be punished by a fine of not more than \$1,000. In this section, "knowingly" has  
2 the meaning given in AS 11.81.900.

3 **Sec. 24.65.250. Definitions.** In this chapter,

4 (1) "justice agency" means a department, office, institution, corporation,  
5 authority, organization, commission, committee, council, court, or board in the  
6 executive or judicial branches of the state government that is, in any manner, involved  
7 with or responsible for the apprehension, prosecution, incarceration, or supervision of  
8 criminal or juvenile offenders; it also includes an officer, employee, or member of an  
9 agency acting or purporting to act in the exercise of official duties, including the  
10 governor and lieutenant governor, when acting with regard to executive clemency,  
11 judges, and magistrates;

12 (2) "victim" has the meaning given in AS 12.55.185.

13 \* Sec. 6. AS 39.25.120(c) is amended by adding a new paragraph to read:

14 (20) the victims' advocate established under AS 24.65.010.

15 \* Sec. 7. AS 39.27.022(d) is amended to read:

16 (d) This section applies to employees of the legislature only if the committee  
17 responsible for adopting employment policies concerning the employee adopts a  
18 written policy that the section applies. This section applies to the employees of the  
19 office of the ombudsman only if the ombudsman adopts a policy that the section  
20 applies. **This section applies to the employees of the office of victims' rights only**  
21 **if the victims' advocate adopts a policy that the section applies.**

22 \* Sec. 8. AS 39.35.385(f) is amended to read:

23 (f) Subject to AS 39.35.450, an employee is eligible for a normal retirement  
24 benefit at age 60 or an early retirement benefit at age 55 if the employee was first  
25 hired as a legislative employee before May 30, 1987, and has at least 60 days of  
26 credited service as an employee of the legislature, other than as an employee of the  
27 Office of the Ombudsman **or the office of victims' rights**, during each of five  
28 legislative sessions. An employee who was first hired as a legislative employee on or  
29 after May 30, 1987, and is otherwise eligible under this subsection must have at least  
30 80 days of credited service during each of five legislative sessions to receive benefits  
31 under this subsection.

1 \* Sec. 9. AS 43.23.005(d) is amended to read:

2 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is  
3 not eligible for a permanent fund dividend for a dividend year when

4 (1) during the qualifying year, the individual was sentenced as a result  
5 of conviction in this state of a felony;

6 (2) during all or part of the qualifying year, the individual was  
7 incarcerated as a result of the conviction in this state of a

8 (A) felony; or

9 (B) misdemeanor if the individual has been convicted of

10 (i) a prior felony as defined in AS 11.81.900; or

11 (ii) two or more prior misdemeanors [CRIMES] as  
12 defined in AS 11.81.900.

13 \* Sec. 10. AS 43.23.028 is amended to read:

14 **Sec. 43.23.028. Public notice.** (a) By October 1 of each year, the  
15 commissioner shall give public notice of the value of each permanent fund dividend  
16 for that year and notice of the information required to be disclosed under (3) of this  
17 subsection. In addition, the stub attached to each individual dividend check and direct  
18 deposit advice must

19 (1) disclose the amount of each dividend attributable to income earned  
20 by the permanent fund from deposits to that fund required under art. IX, sec. 15,  
21 Constitution of the State of Alaska;

22 (2) disclose the amount of each dividend attributable to income earned  
23 by the permanent fund from appropriations to that fund and from amounts added to  
24 that fund to offset the effects of inflation;

25 (3) disclose the amount by which each dividend has been reduced due  
26 to each appropriation from the dividend fund, including amounts to pay the costs of  
27 administering the dividend program and the hold harmless provisions of AS 43.23.075;

28 (4) include a statement that an individual is not eligible for a dividend  
29 when

30 (A) during the qualifying year, the individual was convicted of  
31 a felony;

1 (B) during all or part of the qualifying year, the individual was  
2 incarcerated as a result of the conviction of a

3 (i) felony; or

4 (ii) misdemeanor if the individual has been convicted of  
5 a prior felony or two or more prior misdemeanors [CRIMES];

6 (5) include a statement that the legislative purpose for making  
7 individuals listed under (4) of this subsection ineligible is to

8 (A) obtain reimbursement for some of the costs imposed on the  
9 state criminal justice system related to incarceration or probation of those  
10 individuals;

11 (B) provide funds for services for and payments to crime  
12 victims and for grants for the operation of domestic violence and sexual assault  
13 programs;

14 (6) disclose the total amount that would have been paid during the  
15 previous fiscal year to individuals who were ineligible to receive dividends under  
16 AS 43.23.005(d) if they had been eligible;

17 (7) disclose the total amount appropriated for the current fiscal year  
18 under (b) of this section for each of the funds and agencies listed in (b) of this section.

19 (b) To the extent that amounts appropriated for a fiscal year do not exceed the  
20 total amount that would have been paid during the previous fiscal year to individuals  
21 who were ineligible to receive dividends under AS 43.23.005(d) if they had been  
22 eligible, the notice requirements of (a)(3) of this section do not apply to appropriations  
23 from the dividend fund to [THE]

24 (1) the crime victim compensation fund established under AS 18.67.162  
25 for payments to crime victims;

26 (2) the council on domestic violence and sexual assault established  
27 under AS 18.66.010 for grants for the operation of domestic violence and sexual  
28 assault programs; [OR]

29 (3) the Department of Corrections for incarceration and probation  
30 programs; or

31 (4) the office of victims' rights.

1 \* **Sec. 11.** AS 44.62.040(c) is amended to read:

2 (c) Before submitting the regulations and orders of repeal to the lieutenant  
3 governor under (a) of this section, every state agency that by statute possesses  
4 regulation making authority, except boards and commissions, the office of victims'  
5 rights, and the office of the ombudsman, shall submit to the governor for review a  
6 copy of every regulation or order of repeal adopted by the agency, except regulations  
7 and orders of repeal identified in (a)(1) - (2) of this section. The governor may review  
8 the regulations and orders of repeal received under this subsection. The governor may  
9 return the regulations and orders of repeal to the adopting agency before they are  
10 submitted to the lieutenant governor for filing under (a) of this section [,] (1) if they  
11 are inconsistent with the faithful execution of the laws, or (2) to enable the adopting  
12 agency to respond to specific issues raised by the Administrative Regulation Review  
13 Committee. The governor may not delegate the governor's review authority under this  
14 subsection to a person other than the lieutenant governor.

15 \* **Sec. 12.** AS 44.62.215 is amended to read:

16 **Sec. 44.62.215. Record of public comment.** In the drafting, review, or other  
17 preparation of a proposed regulation, amendment, or order of repeal, an agency, other  
18 than a board or commission, the office of victims' rights, and the office of the  
19 ombudsman, shall keep a record of its use or rejection of factual or other substantive  
20 information that is submitted in writing as public comment and that is relevant to the  
21 accuracy, coverage, or other aspect of the proposed regulatory action.

22 \* **Sec. 13.** AS 44.66.050(c) is amended to read:

23 (c) A determination as to whether a board or commission or agency program  
24 has demonstrated a public need for its continued existence must take into consideration  
25 the following factors:

26 (1) the extent to which the board, commission, or program has operated  
27 in the public interest;

28 (2) the extent to which the operation of the board, commission, or  
29 agency program has been impeded or enhanced by existing statutes, procedures, and  
30 practices that it has adopted, and any other matter, including budgetary, resource, and  
31 personnel matters;

1 (3) the extent to which the board, commission, or agency has  
2 recommended statutory changes that are generally of benefit to the public interest:

3 (4) the extent to which the board, commission, or agency has  
4 encouraged interested persons to report to it concerning the effect of its regulations and  
5 decisions on the effectiveness of service, economy of service, and availability of  
6 service that it has provided;

7 (5) the extent to which the board, commission, or agency has  
8 encouraged public participation in the making of its regulations and decisions;

9 (6) the efficiency with which public inquiries or complaints regarding  
10 the activities of the board, commission, or agency filed with it, with the department  
11 to which a board or commission is administratively assigned, or with the office of  
12 victims' rights or the office of the ombudsman have been processed and resolved;

13 (7) the extent to which a board or commission that regulates entry into  
14 an occupation or profession has presented qualified applicants to serve the public;

15 (8) the extent to which state personnel practices, including affirmative  
16 action requirements, have been complied with by the board, commission, or agency to  
17 its own activities and the area of activity or interest; and

18 (9) the extent to which statutory, regulatory, budgeting, or other  
19 changes are necessary to enable the agency, board, or commission to better serve the  
20 interests of the public and to comply with the factors enumerated in this subsection.

21 \* Sec. 14. AS 44.99.240(2) is amended to read:

22 (2) "state agency" means

23 (A) a department, institution, board, commission, division,  
24 authority, public corporation, or other administrative unit of the executive  
25 branch, including the University of Alaska and the Alaska Railroad  
26 Corporation;

27 (B) a committee, division, or administrative unit of the  
28 legislative branch, including the Alaska Legislative Council, the leadership of  
29 each house, the office of victims' rights, and the office of the ombudsman;

30 (C) an administrative unit of the judicial branch, including the  
31 Alaska Judicial Council and the Commission on Judicial Conduct.

1 \* **Sec. 15.** AS 24.65.110 and 24.65.120, added by sec. 5 of this Act, have the effect of  
2 amending Rule 16, Alaska Rules of Criminal Procedure, and Rule 9, Alaska Delinquency  
3 Rules, by allowing the victims' advocate a right of access to information in criminal  
4 prosecutions and juvenile adjudications that is equal to that available to criminal defendants  
5 or juveniles when the advocate is engaging in advocacy or that is unlimited when the advocate  
6 is engaging in investigations concerning victims' rights.

7 \* **Sec. 16.** AS 24.65.200, added by sec. 5 of this Act, amends Rule 501, Alaska Rules of  
8 Evidence, by creating a new privilege from being compelled to testify in a court.

9 \* **Sec. 17.** Notwithstanding the effective date of secs. 1 - 8 and 11 - 16 of this Act, to the  
10 extent that there are appropriations for the purpose, the executive director of the Legislative  
11 Affairs Agency may purchase supplies and equipment, obtain office space, and employ clerical  
12 staff so that the office of victims' rights, created in sec. 5 of this Act, is able to begin work  
13 on July 1, 2002.

14 \* **Sec. 18.** Sections 9, 10, and 17 of this Act take effect immediately under  
15 AS 01.10.070(c).

16 \* **Sec. 19.** Sections 1 - 8 and 11 - 16 of this Act take effect July 1, 2002.

adopted  
Pg 11  
Sec 13

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1-LS0029\M.2  
Luckhaupt  
4/19/00

AMENDMENT #1

OFFERED IN THE HOUSE  
TO: HCS CSSB 4(JUD)

BY REPRESENTATIVE PHILLIPS

1 Page 1, line 9, through page 15, line 12:

2 Delete all material and insert:

3 **\*\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new  
4 section to read:

5 **SHORT TITLE.** This Act may be known as the Crime Victims' Rights and Advocacy  
6 Act of 2000.

7 **\* Sec. 2.** AS 12.55.023(b) is amended to read:

8 (b) A victim may submit to the sentencing court a written statement that the  
9 victim believes is relevant to the sentencing decision [,] and may give sworn  
10 testimony or make an unsworn oral presentation to the court at the sentencing hearing.  
11 If there are numerous victims, the court may reasonably limit the number of victims  
12 who may give sworn testimony or make an unsworn oral presentation during the  
13 hearing. When requested by the victim of a felony or a class A misdemeanor, if  
14 the class A misdemeanor is a crime involving domestic violence or a crime  
15 against a person under AS 11.41, when the victim does not submit a statement,  
16 give testimony, or make an oral presentation, the victims' advocate appointed  
17 under AS 12.61.200 may submit a written statement or make an unsworn oral  
18 presentation at the sentencing hearing on behalf of the victim.

19 **\* Sec. 3.** AS 12.61 is amended by adding new sections to read:

20 **Article 2A. Office of Victims' Rights.**

21 **Sec. 12.61.200. Office of victims' rights established; duties.** (a) The office  
22 of victims' rights is established in the <sup>office of the governor</sup> [Department of Public Safety]. The office shall  
23 be directed by the victims' advocate. The victims' advocate shall be appointed by the  
commissioner of [public safety] The commissioner may not appoint a person as  
victims' advocate unless the person meets the qualifications provided in (e) of this

Take out  
of entire  
Bill

1 section. The victims' advocate is in the partially exempt service under AS 39.25.120.  
2 The office may employ assistant victims' advocates and clerical staff that the victims'  
3 advocate determines are needed to perform the duties set out in this section. Assistant  
4 victims' advocates and clerical staff employed by the office are in the classified  
5 service under AS 39.25.100.

6 (b) The office of victims' rights shall, as provided in AS 12.61.200 -  
7 12.61.300,

8 (1) work to ensure that victims of crimes receive the rights to which  
9 they are entitled under the constitution and the laws of this state;

10 (2) act as a liaison between state agencies and victims of crimes;

11 (3) advocate on behalf of crime victims in the courts of the state; and

12 (4) investigate and report on complaints of victims of crimes that state  
13 agencies have not complied with the duties imposed on the agencies regarding victims  
14 of crimes.

15 (c) Each state agency shall cooperate with the office of victims' rights when  
16 the office is performing the duties imposed under AS 12.61.200 - 12.61.300.

#3

17 (d) The office shall administer grants to nonprofit victims' rights organizations  
18 in the amounts and to the recipients designated in the appropriation for the grant.

19 (e) A person may not serve as victims' advocate

20 (1) unless the person has been a resident of the state for the three  
21 years immediately preceding the person's appointment;

22 (2) unless the person has been engaged in the active practice of law  
23 for the three years immediately preceding the person's appointment;

24 (3) unless the person has significant experience in criminal law;

25 (4) unless the person is an attorney licensed to practice law in this  
26 state;

27 (5) within one year of the last day on which the person served as a  
28 member of the legislature;

29 (6) while the person is a candidate for or holds another national, state,  
30 or municipal office; the victims' advocate may not become a candidate for national,  
31 state, or municipal office until one year has elapsed from the date the victims'  
32 advocate vacates the office of victims' advocate;

1 (7) while the person is engaged in another occupation for which the  
2 person receives compensation;

3 (8) unless the person is at least 21 years of age and is a qualified  
4 voter.

5 **Sec. 12.61.210. Procedure; fees.** (a) The victims' advocate shall, by  
6 regulations adopted under AS 44.62 (Administrative Procedure Act), establish  
7 procedures for advocacy on behalf of crime victims, receiving and processing  
8 complaints, conducting investigations, reporting findings, and ensuring that  
9 confidential information obtained by the victims' advocate in the course of advocacy  
10 on behalf of a crime victim or in the course of an investigation will not be improperly  
11 disclosed. The victims' advocate may establish procedures so that advocacy and  
12 investigations on behalf of crime victims in felony cases take a priority over advocacy  
13 and investigations on behalf of crime victims in misdemeanor cases.

14 (b) The office of victims' rights may not charge fees for the submission or  
15 investigation of complaints.

16 **Sec. 12.61.220. Jurisdiction; duties.** (a) The victims' advocate has  
17 jurisdiction to advocate on behalf of crime victims of felony offenses or class A  
18 misdemeanors, if the class A misdemeanor is a crime involving domestic violence or  
19 a crime against a person under AS 11.41, in the courts of the state and to investigate  
20 the complaints of crime victims of felony offenses or class A misdemeanors, if the  
21 class A misdemeanor is a crime involving domestic violence or a crime against a  
22 person under AS 11.41, that they have been denied their rights under the constitution  
23 and the laws of the state. In this subsection, "crime involving domestic violence" has  
24 the meaning given in AS 18.66.990.

25 (b) The office shall administer grants to nonprofit victims' rights  
26 organizations, in the amounts and to the recipients designated in the appropriation for  
27 the grant.

28 (c) The victims' advocate shall exercise reasonable care to

29 (1) ensure that the victims' advocate's exercise of jurisdiction granted  
30 under this section does not interfere with an ongoing criminal investigation or with  
31 a criminal prosecution;

32 (2) prevent employees of the office of victims' rights from making

1 extrajudicial statements that the victims' advocate is prohibited from making under  
2 the Alaska Rules of Professional Conduct.

3 (d) The victims' advocate may not advise, counsel, or advocate on behalf of  
4 a victim in a way that would

5 (1) prevent or discourage a victim from cooperating in a criminal  
6 investigation;

7 (2) encourage a victim to withhold evidence in a criminal  
8 investigation; or

9 (3) prevent or discourage a victim from testifying in a criminal  
10 proceeding.

11 **Sec. 12.61.230. Advocacy on behalf of crime victims; records.** (a) The  
12 victims' advocate shall assist crime victims in obtaining the rights crime victims are  
13 guaranteed under the constitution and laws of the state with regard to the contacts  
14 crime victims have with the justice agencies of the state.

15 (b) The victims' advocate may make the statement a crime victim is  
16 authorized to make under art. I, sec. 24, Constitution of the State of Alaska, and  
17 AS 12.55.023, in a court of the state when requested by the crime victim and when  
18 the crime victim does not personally make a statement.

19 (c) When advocating on behalf of a crime victim in an ongoing criminal case  
20 or juvenile adjudication, the victims' advocate is entitled to all information available  
21 to the defendant or juvenile.

22 (d) Records obtained by the victims' advocate shall remain in the exclusive  
23 custody of the victims' advocate. The victims' advocate may not disclose confidential  
24 information to any person.

25 **Sec. 12.61.240. Investigations.** (a) The victims' advocate may investigate  
26 complaints from crime victims that they have been denied the rights they are  
27 guaranteed under the constitution and laws of this state.

28 (b) In an investigation, the victims' advocate may

29 (1) make inquiries and obtain information considered necessary;

30 (2) hold private hearings; and

31 (3) notwithstanding other provisions of law, have access at all times  
32 to records of justice agencies, including court records of criminal prosecutions and

1 juvenile adjudications, necessary to ensure that the rights of crime victims are not  
2 being denied; with regard to court and prosecution records, the victims' advocate is  
3 entitled to obtain access to every record that the defendant is entitled to access or  
4 receive.

5 (c) The victims' advocate shall maintain confidentiality with respect to all  
6 matters and the identities of the complainants or witnesses coming before the victims'  
7 advocate except insofar as disclosures may be necessary to enable the victims'  
8 advocate to carry out duties and to support recommendations. However, the victims'  
9 advocate may not disclose a confidential record obtained from a court or justice  
10 agency.

11 (d) Subject to the privileges that witnesses have in the courts of this state, the  
12 victims' advocate may compel by subpoena, at a specified time and place, the

13 (1) appearance and sworn testimony of a person who the victims'  
14 advocate reasonably believes may be able to give information relating to a matter  
15 under investigation under this section; and

16 (2) production by a person of a record or object that the victims'  
17 advocate reasonably believes may relate to the matter under investigation under this  
18 section.

19 (e) If a person refuses to comply with a subpoena issued under (d) of this  
20 section, the superior court may, on application of the victims' advocate, compel  
21 obedience by proceedings for contempt in the same manner as in the case of  
22 disobedience to the requirements of a subpoena issued by the court or refusal to  
23 testify in the court.

24 (f) This section does not authorize the victims' advocate to issue a subpoena  
25 to

26 (1) a justice, judge, magistrate, or a law clerk acting under the  
27 direction of a justice, judge, or magistrate, concerning a judicial action or nonaction  
28 taken by, or under the direction of, the justice, judge, or magistrate;

29 (2) a person acting under the direction of a justice, judge, or  
30 magistrate, other than a law clerk, concerning a judicial action or nonaction taken by,  
31 or under the direction of, a justice, judge, or magistrate except to establish the  
32 occurrence or nonoccurrence of the action or nonaction or the person's own actions

1 or nonactions; this paragraph does not authorize the victims' advocate to inquire into  
2 the decision-making or thought process of the justice, judge, or magistrate;

3 (3) a member of a jury concerning a matter that was considered by the  
4 jury; or

5 (4) the person accused or convicted of committing the crime that is the  
6 basis for the complaint, and investigation under AS 12.61.240, concerning a denial of  
7 rights.

8 (g) Before giving an opinion or recommendation that is critical of a justice  
9 agency or person as a result of an investigation under this section, the victims'  
10 advocate shall consult with that agency or person. The victims' advocate may make  
11 a preliminary opinion or recommendation available to the agency or person for  
12 review, but the preliminary opinion or recommendation is confidential and may not  
13 be disclosed to the public by the agency or person.

14 (h) The victims' advocate shall report the advocate's opinion and  
15 recommendations to a justice agency if the victims' advocate finds, after investigation  
16 under this section, that the agency has denied a crime victim rights the crime victim  
17 is guaranteed under the constitution and laws of this state.

18 (i) The victims' advocate may request the justice agency to notify the victims'  
19 advocate, within a specified time, of any action taken on the recommendations.

20 (j) The report provided under (h) of this section is confidential and may not  
21 be disclosed to the public by the justice agency. The victims' advocate may disclose  
22 the report under (k) of this section only after providing notice that the investigation  
23 has been concluded to the agency and after receiving the written approval of the  
24 complainant to release the report.

25 (k) Except as provided in (j) of this section, within a reasonable amount of  
26 time after the victims' advocate reports the advocate's opinion and recommendations  
27 to a justice agency, the victims' advocate may present the opinion and  
28 recommendations to the governor, the attorney general, the legislature, a grand jury,  
29 the public, or any of these. The victims' advocate shall include with the opinion any  
30 reply made by the agency.

31 **Sec. 12.61.250. Annual report.** The victims' advocate shall make available  
32 to the public an annual report of the victims' advocate's activities under AS 12.61.200

1 - 12.61.300 and notify the legislature that the report is available.

2 **Sec. 12.61.260. Judicial review.** A proceeding or decision of the victims'  
3 advocate may be reviewed in superior court only to determine if it is contrary to the  
4 provisions of AS 12.61.200 - 12.61.300.

5 **Sec. 12.61.270. Immunity of the victims' advocate.** A civil action may not  
6 be brought against the victims' advocate or a member of the victims' advocate's staff  
7 for anything done, said, or omitted in performing the victims' advocate's duties or  
8 responsibilities under AS 12.61.200 - 12.61.300.

9 **Sec. 12.61.280. Victims' advocate's privilege not to testify or produce**  
10 **documents or other evidence.** The victims' advocate and the staff of the victims'  
11 advocate may not be compelled to testify or produce documents or other evidence in  
12 a court regarding matters coming to their attention in the exercise or purported  
13 exercise of their official duties except as may be necessary to enforce the provisions  
14 of AS 12.61.200 - 12.61.300.

15 **Sec. 12.61.290. Penalty.** A person who knowingly hinders the lawful actions  
16 of the victims' advocate or the staff of the victims' advocate, or who knowingly  
17 refuses to comply with their lawful demands, is guilty of a misdemeanor and upon  
18 conviction may be punished by a fine of not more than \$1,000. In this section,  
19 "knowingly" has the meaning given in AS 11.81.900.

20 **Sec. 12.61.300. Definitions.** In AS 12.61.200 - 12.61.300,

21 (1) "justice agency" means a department, office, institution,  
22 corporation, authority, organization, commission, committee, council, court, or board  
23 in the executive or judicial branches of the state government that is, in any manner,  
24 involved with or responsible for the apprehension, prosecution, incarceration, or  
25 supervision of criminal or juvenile offenders; it also includes an officer, employee, or  
26 member of an agency acting or purporting to act in the exercise of official duties,  
27 including the governor and lieutenant governor, when acting with regard to executive  
28 clemency, judges, and magistrates;

29 (2) "victim" has the meaning given in AS 12.55.185.

30 \* **Sec. 4.** AS 18.67.130(c) is amended to read:

31 (c) Compensation may not be awarded under this chapter in an amount in  
32 excess of \$30,000 [\$25,000] per victim per incident. However, in the case of the

1 death of

2 (1) a victim who has more than one dependent eligible for  
3 compensation, the total compensation that may be awarded as a result of that death  
4 may not exceed \$50,000; the [\$40,000. THE] board may prorate the total awarded  
5 among those dependents according to relative need; or

6 (2) two or more victims in the same incident who jointly have a  
7 dependent eligible for compensation, the total compensation that may be awarded  
8 as a result of those deaths may not exceed \$50,000.

9 \* Sec. 5. AS 39.25.120(c) is amended by adding a new paragraph to read:

10 (20) the victims' advocate established under AS 12.61.200.

11 \* Sec. 6. AS 43.23.005(d) is amended to read:

12 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual  
13 is not eligible for a permanent fund dividend for a dividend year when

14 (1) during the qualifying year, the individual was sentenced as a result  
15 of conviction in this state of a felony;

16 (2) during all or part of the qualifying year, the individual was  
17 incarcerated as a result of the conviction in this state of a

18 (A) felony; or

19 (B) misdemeanor if the individual has been convicted of

20 (i) a prior felony as defined in AS 11.81.900; or

21 (ii) two or more prior misdemeanors [CRIMES] as  
22 defined in AS 11.81.900.

23 \* Sec. 7. AS 43.23.028 is amended to read:

24 **Sec. 43.23.028. Public notice.** (a) By October 1 of each year, the  
25 commissioner shall give public notice of the value of each permanent fund dividend  
26 for that year and notice of the information required to be disclosed under (3) of this  
27 subsection. In addition, the stub attached to each individual dividend check and direct  
28 deposit advice must

29 (1) disclose the amount of each dividend attributable to income earned  
30 by the permanent fund from deposits to that fund required under art. IX, sec. 15,  
31 Constitution of the State of Alaska;

32 (2) disclose the amount of each dividend attributable to income earned

1 by the permanent fund from appropriations to that fund and from amounts added to  
2 that fund to offset the effects of inflation;

3 (3) disclose the amount by which each dividend has been reduced due  
4 to each appropriation from the dividend fund, including amounts to pay the costs of  
5 administering the dividend program and the hold harmless provisions of  
6 AS 43.23.075;

7 (4) include a statement that an individual is not eligible for a dividend  
8 when

9 (A) during the qualifying year, the individual was convicted of  
10 a felony;

11 (B) during all or part of the qualifying year, the individual was  
12 incarcerated as a result of the conviction of a

13 (i) felony; or

14 (ii) misdemeanor if the individual has been convicted  
15 of a prior felony or two or more prior misdemeanors [CRIMES];

16 (5) include a statement that the legislative purpose for making  
17 individuals listed under (4) of this subsection ineligible is to

18 (A) obtain reimbursement for some of the costs imposed on the  
19 state criminal justice system related to incarceration or probation of those  
20 individuals;

21 (B) provide funds for services for and payments to crime  
22 victims and for grants for the operation of domestic violence and sexual  
23 assault programs;

24 (6) disclose the total amount that would have been paid during the  
25 previous fiscal year to individuals who were ineligible to receive dividends under  
26 AS 43.23.005(d) if they had been eligible;

27 (7) disclose the total amount appropriated for the current fiscal year  
28 under (b) of this section for each of the funds and agencies listed in (b) of this  
29 section.

30 (b) To the extent that amounts appropriated for a fiscal year do not exceed  
31 the total amount that would have been paid during the previous fiscal year to  
32 individuals who were ineligible to receive dividends under AS 43.23.005(d) if they

1 had been eligible, the notice requirements of (a)(3) of this section do not apply to  
2 appropriations from the dividend fund to [THE]

3 (1) the crime victim compensation fund established under  
4 AS 18.67.162 for payments to crime victims;

5 (2) the council on domestic violence and sexual assault established  
6 under AS 18.66.010 for grants for the operation of domestic violence and sexual  
7 assault programs; [OR]

8 (3) the Department of Corrections for incarceration and probation  
9 programs;

10 (4) the office of victims' rights; or

11 (5) the office of victims' rights for grants to nonprofit victims'  
12 rights organizations.

13 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section  
14 to read:

15 INDIRECT COURT RULE CHANGE. AS 12.61.230 and 12.61.240, added by sec. 3  
16 of this Act, have the effect of amending Rule 16, Alaska Rules of Criminal Procedure, and  
17 Rule 9, Alaska Delinquency Rules, by allowing the victims' advocate a right of access to  
18 information in criminal prosecutions and juvenile adjudications that is equal to that available  
19 to criminal defendants or juveniles when the advocate is engaging in advocacy or that is  
20 unlimited when the advocate is engaging in investigations concerning victims' rights.

21 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section  
22 to read:

23 INDIRECT COURT RULE CHANGE. AS 12.61.280, added by sec. 3 of this Act,  
24 amends Rule 501, Alaska Rules of Evidence, by creating a new privilege from being  
25 compelled to testify or produce documents or other evidence in a court.

26 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section  
27 to read:

28 DIRECTION TO COMMISSIONER OF PUBLIC SAFETY. Notwithstanding the  
29 effective date of secs. 1 -5, 8, and 9 of this Act, to the extent that there are appropriations  
30 for the purpose, the commissioner of public safety may purchase supplies and equipment,  
31 obtain office space, and employ clerical staff so that the office of victims' rights, created in  
32 sec. 3 of this Act, is able to begin work on July 1, 2002.

- 1       \* **Sec. 11.** Sections 6, 7, and 10 of this Act take effect immediately under
- 2 AS 01.10.070(c).
- 3       \* **Sec. 12.** Sections 1 - 5, 8, and 9 take effect July 1, 2002."

Section 13

4 year sunset

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JUNE 30 2004



Official Business

# Alaska State Legislature

## Senate

### Sponsor Statement Senate Bill 4

RICK  
**HALFORD**

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### "The Crime Victims' Rights and Advocacy Act of 1999"

On November 8, 1994, the voters of Alaska ratified an amendment to the Constitution of the State of Alaska, which provides specific rights to victims of crime. The overwhelming approval rate -- 86.6% in favor -- was testament of Alaskans' belief that:

*"Crime victims, as defined by law, shall have the following rights as provided by law: the right to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; the right to confer with the prosecution; the right to be treated with dignity, respect, and fairness during all phases of the criminal or juvenile justice process, the right to timely disposition of the case following the arrest of the accused, the right to obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present; the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered; the right to restitution from the accused; and the right to be informed, upon request, of the accused's escape or release from custody before or after conviction or juvenile adjudication."*

#### ---- ARTICLE I, SECTION 24, ALASKA CONSTITUTION

Passage of this SB 4 will put in place a mechanism to guarantee the practical application of this very important Constitutional Amendment. It is time for victims to have advocacy when dealing with a judicial system so heavily weighted to the benefit of criminals, and based on a process replete with technicalities and legal jargon, rendering it virtually indecipherable to anyone other than the attorneys.

As was brought out in testimony on similar legislation last session, "While the criminals and the prosecution have their attorneys, the victims are too often left to sit alone in the shadow of justice." I urge your support for this legislation.

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

NO. \_\_\_\_\_  
BILL VERSION: H CS CSSB 4 (JUD)  
PUBLISH DATE: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An Act relating to establishing an office of  
of victims' rights; relating to compensation of victims..."  
Sponsor: Senator Halford  
Requestor: House Finance Committee

Department Affected: Legislative Affairs Agency  
BRU: Legislative Council  
Component: Council & Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
PERSONAL SERVICES	415.3	415.3	415.3	415.3	415.3	415.3
TRAVEL	4.2	4.2	4.2	4.2	4.2	4.2
CONTRACTUAL	28.6	28.6	28.6	28.6	28.6	28.6
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	43.4	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>493.5</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE	1050	493.5	450.1	450.1	450.1	450.1
<b>TOTAL</b>		<b>493.5</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>

POSITIONS:

FULL-TIME	7	7	7	7	7	7
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

**ANALYSIS:** (Attach a separate page if necessary) CSSB4(JUD) establishes an Office of Victims' Rights in the Legislative Branch of Government. The Victims' Advocate will be appointed for 5 years and be compensated at Range 26A. For the purposes of this fiscal note, staff for the Victims' Advocate will be 2 attorney's, 1 paralegal, and 3 clerical personnel. Office Space will be acquired and furniture and equipment will be purchased to set up the office. If the office were staffed with 1 attorney, 1 paralegal, and 1 clerical position the cost for the initial year would be \$340.6 and \$297.3 thereafter. LAA will process payroll, provide accounting and teleconference assistance and DP support at no cost to the Office of Victims' Rights. Funding for this office will be from the Permanent Fund Dividend Fund. This bill adds the Office of Victim's Rights to the three other programs under AS 43.23.028(b) that require annual appropriation from the PFD Fund by the Legislature.

Prepared by: Karla Schofield, Deputy Director  
Division: Administrative Services

Phone: 465-3852  
Date: 4/20/00

Approved By: Pamela A. Varni, Executive Director  
Agency: Legislative Affairs Agency

Date: 4/20/00  
Page 1 of 2

## CONTINUATION OF FISCAL NOTE: CSSB4 (JUD)

Expenses of the victims' advocate selection committee will be absorbed within existing budgets.

Personal Services	Monthly	#	Annual	Health		Total	
	Salary		Salary	Benefits	Insurance		
Victims Advocate - 26A	5,850	1	70,200	85,089	5,718	90,808	
2 Attorney's - 23A	4,918	2	118,032	143,067	11,437	154,504	
1 Paralegal - 16A	3,049	1	36,588	44,348	5,718	50,067	
1 Secretary - 14A	2,656	1	31,872	38,632	5,718	44,351	
1 Secretary - 12A	2,338	1	28,056	34,007	5,718	39,725	
1 Secretary - 10A	2,071	1	24,852	30,123	5,718	35,342	
						415,295	415,296

**Travel**

It is anticipated that the victims' advocate will make 3 trips to attend in state meetings and 1 trip to meet with victims' rights organizations in other states.

	Travel	Per Diem		
3 trips in state	1,110	1,629	2,739	
1 trip out of state	780	680	<u>1,460</u>	
			4,199	4,199

**Contractual**

It is anticipated that the Office of the Victims' Rights will install phones, incur phone bills, and use postage and need maintenance on their copier machine.

Phones	3,600	
Postage	3,000	
Copier Maintenance	600	
Membership Dues	500	
Subscriptions	500	
Office Space 1,000 Sq. Ft.	20,400	
	<b>28,600</b>	<b>28,600</b>

**Supplies**

It is anticipated that the Office of the Victims' Rights will need office supplies.

Office Supplies	2,000	2,000
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**Equipment**

It is anticipated that the Office of Victims' Rights will need equipment.

7 Phones	3,500	
1 Fax Machine	650	
3 Executive Desks	4,500	
4 Secretarial Desks	4,000	
7 Chairs	1,400	
7 File Cabinets	2,800	
7 Computers	14,000	
3 Printers	4,500	
1 Copy Machine	8,000	
	<b>43,350</b>	<b>43,350</b>

**Grand Total** **493,445**

# FISCAL NOTE

STATE OF ALASKA

No. 2

Bill Version: CS3B4 (TUD)

(S) Publish Date: 1/25/99

## 1999 LEGISLATIVE SESSION

Revision Date: CORRECTED 1/22/99 10:30am

Dept. Affected: Public Safety

Title: Crime Victims' Rights and  
Advocacy Act of 1999

BRU: Violent Crimes Compensation Board

Sponsor: Senator Halford

Component: \_\_\_\_\_

Requestor: Senate Judiciary

COMPONENT SERIAL NO. \_\_\_\_\_

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

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
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	75.0	99.7	132.7	176.4	234.7	312.1
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>75.0</b>	<b>99.7</b>	<b>132.7</b>	<b>176.4</b>	<b>234.7</b>	<b>312.1</b>

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

<b>CHANGE IN REVENUES ( )</b>						
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts		30.0	27.9	42.0	53.8	72.4
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other	75.0	69.7	104.8	134.4	180.9	239.7
<b>TOTAL</b>	<b>75.0</b>	<b>99.7</b>	<b>132.7</b>	<b>176.4</b>	<b>234.7</b>	<b>312.1</b>

Estimate of current year (FY 99) impact: \$ 0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See Attached

Prepared By: Susan L. Browne, Administrator

Phone: 465-5525

Division: Violent Crimes Compensation Board

Date: 1/19/99

Approved by Commissioner: *Ronald L. Otte*

Date: 1/22/99

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

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Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

It is not possible to predict how many claim requests for compensation will be received and/or awarded from one year to the next. Neither is it possible to predict how many claim requests will involve homicides or be eligible for compensation at maximum levels. Several claims awarded the maximum allowable by statute, significantly impacts this program's budget. This bill would increase the maximum available by statute to award on claims. The figures provided are based on the number of claims awarded at maximum levels in a typical year with the increased maximum factored in.

The number of claims received in recent years has continued to increase due to progressive outreach measures. This trend is likely to continue and estimates given here are based on an annual increase of 33%. The estimate for potential federal revenues is based upon 40% of the state funds awarded the previous year. This is the formula used by the Federal Government in awarding state compensation programs. The funds are contingent upon annual grant application and award.

# FISCAL NOTE

No. 3  
 Bill Version: CSSBA(JUD)  
 (S) Publish Date: 1/25/99

**STATE OF ALASKA  
 1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Department of Corrections  
 Title Act relating to establishing and office of crime BRU Administration and Operations  
 victim's rights; relating to compensation of victims of violent ... Component Data and Word Processing  
 Sponsor Senator Halford  
 Requester Senate Judiciary Component Serial No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	43.0	43.0	43.0	43.0	43.0	43.0
Travel						
Contractual	0.5	0.5	0.5	0.5	0.5	0.5
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment	2.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>46.5</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	46.5	44.0	44.0	44.0	44.0	44.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>46.5</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

Section 9 of this legislation amends AS 43.23.005(d) which would deny PFD eligibility for people who are convicted and incarcerated for a misdemeanor and they had been previously been convicted of a prior felony, or two or more prior misdemeanors. The Dept. of Corrections has previously asked for a Statistical Tech I position to accommodate appeals and information requests resulting from PFD denials. The data and word processing unit will be unable to carry out their daily operations if more appeals and computer programming are added without a position.

Prepared by Bruce Richards Phone 465-3307  
 Division Commissioner's Office Date/Time 1/21/99 12:54 PM  
 Approved by Commissioner Margaret M. Pugh Date 1-21-99  
 Agency Department of Corrections

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# FISCAL NOTI

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

NO. No. 8  
BILL VER. Bill Version: CSSB 4(FIN)  
(S) Publish Date: 4-28-99

Revision Date: 4/27/99  
Title: "An Act relating to establishing an office of victims' rights; relating to compensation of victims..."  
Sponsor: Senator Halford  
Requestor: Senate Finance

Department Affected: Dept. of Public Safety  
BRU: Statewide Support  
Component: Commissioner's Office

COMPONENT SERIAL NO:

**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES	14.8	415.3	415.3	415.3	415.3	415.3
TRAVEL	0.0	4.2	4.2	4.2	4.2	4.2
CONTRACTUAL	13.8	28.6	28.6	28.6	28.6	28.6
SUPPLIES	1.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	43.4	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>73.0</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
FEDERAL FUNDS		0.0	0.0	0.0	0.0	0.0	0.0
OTHER FUND SOURCE	1050	73.0	450.1	450.1	450.1	450.1	450.1
<b>TOTAL</b>		<b>73.0</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>	<b>450.1</b>

**POSITIONS:**

FULL-TIME	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PART-TIME	0	7	7	7	7	7
TEMPORARY	1	0	0	0	0	0
	0	0	0	0	0	0

Estimate of current year impact:

**ANALYSIS:** (Attach a separate page if necessary) CSSB4(FIN) establishes an Office of Victims' Rights in the Department of Public Safety. The Victims' Advocate will be appointed for 5 years. It is anticipated the Victim's Advocate will be selected in FY00 and begin work in FY01. A part time position will select office space, acquire furniture and supplies and set up the office during the last four months of FY00. The office will be fully staffed beginning in FY01. Staff include 2 attorney's, 1 paralegal, and 3 clerical personnel. DPS will process payroll, provide accounting and teleconference assistance and DP support at no cost to the Office of Victims' Rights. Funding for this office will be from the Permanent Fund Dividend Fund. This bill adds the Office of Victim's Rights to the three other programs under AS 43.23.028(b) that require annual appropriation from the the Permanent Fund Dividend Fund by the Legislature.

Prepared By: Sandy Perry- Provost, Special Assistant Phone: 465-4322  
 Division: Commissioner's Office Date: April 27, 1999

Approved By: Ronald. L. Otte, Commissioner  
Department of Public Safety Date: \_\_\_\_\_

#8

**CONTINUATION OF FISCAL NOTE: CSSB4 (FIN)**

Expenses of the victims' advocate selection committee will be absorbed within existing budgets.

**Personal Services**

It is anticipated that the Secretary position will work with Admin. Svcs. to obtain office space, equipment and supplies. The Secretary position will begin work in March 2000.      1 Secretary 4 months      14,800

FY01	Monthly		Annual		Health		Total
	Salary	#	Salary	Benefits	Insurance		
Victims Advocate - 26A	5,850	1	70,200	85,089	5,718		90,808
2 Attorney's - 23A	4,918	2	118,032	143,067	11,437		154,504
1 Paralegal -16A	3,049	1	36,588	44,348	5,718		50,067
1Secretary - 14A	2,656	1	31,872	38,632	5,718		44,351
1Secretary - 12A	2,338	1	28,056	34,007	5,718		39,725
1Secretary - 10A	2,071	1	24,852	30,123	5,718		35,842
							<b>415,296</b>

FY00      14,800  
FY01      415,296

**Travel**

Travel is not anticipated for FY00.

In FY01, it is anticipated that the victims' advocate will make 3 trips to attend in state meetings and 1 trip to meet with victims' rights organizations in other states.

	Travel	Per Diem			
3 trips in state	1,110	1,629		2,739	
1 trip out of state	780	680		<u>1,460</u>	FY00      0
				4,199	FY01      4,199

**Contractual**

It is anticipated that the Office of the Victims' Rights will install phones, incur phone bills, and use postage and need maintenance on their copier machine.

	FY00	FY01		
Phones	1,500	3,600		
Postage	300	3,000		
Advertising positions	5,000	0		
Copier Maintenance	200	600		
Membership Dues	0	500		
Subscriptions	0	500		
Office Space 1,000 Sq. Ft.	6,800	20,400	FY00	13,800
	<b>13,800</b>	<b>28,600</b>	FY01	<b>28,600</b>

**Supplies**

It is anticipated that the Office of the Victims' Rights will need office supplies.

	FY00	FY01	FY00	FY01
Office Supplies	1,000	2,000	1,000	2,000

**Equipment**

It is anticipated that the Office of Victims' Rights will need equipment.

7 Phones	3,500			
1 Fax Machine	650			
3 Executive Desks	4,500			
4 Secretarial Desks	4,000			
7 Chairs	1,400		FY00	43,350

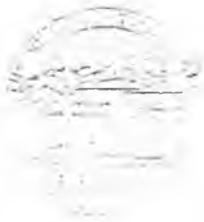
7 File Cabinets	2,800
7 Computers	14,000
3 Printers	4,500
1 Copy Machine	8,000
<b>Total</b>	<b>43,350</b>

FY01

0

28

Page 2 of 2



Official Business

# Alaska State Legislature

## Senate

### Sectional Analysis

#### HCS for CSSB 4(JUD) "Office of Victims Rights"

**RICK  
HALFORD**

State Capitol  
Juneau, Alaska  
99801-1182  
Phone (907) 465-4958  
Fax (907) 468-4928

P.O. Box 670190  
Chugiak, Alaska 99567  
Phone (907) 694-4958  
Fax (907) 694-0520

600 E. Railroad Avenue  
Wasilla, Alaska 99654  
Phone (907) 376-4958

Section 1 of the bill provides a short title.

Section 2 of the bill allows advocate to make statement at time of sentencing when requested by the victim.

Section 3 of the bill increases the compensation available to victims of crime under AS 18.67.

Section 4 of the bill brings the victims' advocate under legislative ethics.

Section 5 of the bill amends AS 24 by creating a new chapter dealing with the Office of the Victims' Rights which is created in the legislative branch. The following sections are created:

- AS 24.65.010 - creates the office of victims' advocate
- AS 24.65.020 - provides appointment procedures
- AS 24.65.030 - establishes qualifications
- AS 24.65.040 - provides term of office
- AS 24.65.050 - provides for removal of the victims' advocate
- AS 24.65.060 - lists the salary for the victims' advocate
- AS 24.65.070 - allows employment of staff and establishes their duties
- AS 24.65.080 - office space and administration for OVA
- AS 24.65.090 - requires advocate to adopt regulations
- AS 24.65.100 - establishes when the victims' advocate can act.
- AS 24.65.110 - delineates advocacy and access to records
- AS 24.65.120 - lists how and when the advocate may conduct investigations of denial of crime victims rights
- AS 24.65.130 - provides subpoena power to victims' advocate
- AS 24.65.140 - requires consultation with justice agency prior to report
- AS 24.65.150 - advocate's duties upon completion of investigation
- AS 24.65.160 - permits advocate to publish opinions and recommendations
- AS 24.65.170 - requires advocate to publish annual report

AS 24.65.180 - limits judicial challenge of advocate's actions  
AS 24.65.190 - provides immunity to advocate  
AS 24.65.200 - provides evidentiary privilege against being compelled to testify to advocate  
AS 24.65.210 - sets out criminal penalty for obstruction of victims' advocates duties  
AS 24.65.250 - provides definitions

Section 6 of the bill was inadvertently left in the HJUD version of the bill – advocate and staff are exempt not partially exempt as per this reference.

Section 7 of the bill provides option of adopting longevity pay provisions to the advocate.

Section 8 of the bill excepts OVR employees from using the conditional service retirement benefit for legislative employees.

Section 9 of the bill provides for PFD ineligibility for a person with one prior felony conviction or two prior misdemeanors from one to two years.

Section 10 of the bill amends the public notice statute to conform with the changes in Section 9 and provides that the proceeds of the PFD forfeiture may be used to fund the office of victims' rights.

Section 11 of the bill exempts regulations promulgated by the OVR from gubernatorial review.

Section 12 of the bill exempts victims' advocate from record keeping requirements.

Section 13 of the bill provides that sunset review of agencies consider interaction with OVR.

Section 14 of the bill names OVR as state agency for purposes of state publications.

Section 15 & 16 of the bill provides court rule change notice.

Section 17 of the bill allows the Director of LAA to purchase supplies and equipment and establish office space for the new OVR in FY 00 to allow for the opening of the office in FY 01.

Sections 18 and 19 of the bill are the effective date clauses.

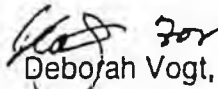
# MEMORANDUM

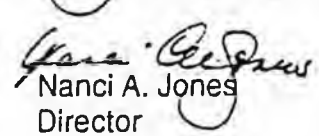
**STATE OF ALASKA  
DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION**

TO: Brett Huber, Legislative Staff  
Senator Halford

DATE: March 31, 1999

SUBJECT: CS SB4

Through:  Debojah Vogt, Deputy Commissioner

FROM:  Nanci A. Jones  
Director

You have asked us to review the numbers submitted by Bruce Richards, from the Department of Corrections in his memo dated March 25, 1999, and estimate the new revenue that would be generated using these numbers.

We'd like to emphasize that the numbers are rough estimates, since data is not available for 1998 as yet. Using the numbers provided and applying an estimated eligibility ratio of 72%, the following is the estimated revenue that may be generated for the new provision outlined in the bill based on the 1998 dividend amount.

1998 Convictions with '97 felony	207
1998 Convictions with '96 felony	<u>145</u>
Total	<u>352 @ 72% = 254</u>

1998 Dividend amount      \$1541(254) = \$391,414

These estimates from Corrections are rough because it normally takes them about 6 months to gather information from the Department of Public Safety and to compile their own data in order to produce the combined data tape sent to us.

Bruce feels the numbers in the second year, and each subsequent year will increase because of the additional years that can be considered that were not previously counted. We have certainly seen increases every year since the inception of the felon ineligibility in 1988.

For purposes of SB 4, the number of ineligible people will increase but it is difficult to speculate about the dividend amount.

# Memo

**To:** Brett Huber, Legislative Aide to Senator Halford  
**From:** Bruce Richards, Legislative Liaison *BHR*  
**CC:** Nanci Jones, Director PFD Division  
**Date:** March 25, 1999  
**Re:** Information Request

---

You have asked the Department of Corrections (DOC) to provide data relating to the PFD eligibility for those who were sentenced or incarcerated in various years.

Specifically you asked for:

1. The number of people who were convicted of a misdemeanor or felony in 1998 and had an additional felony conviction in 1997? **Estimate: 207**
2. The number of people who were convicted of a misdemeanor or felony in 1998 and had an additional felony conviction in 1996? **Estimate: 145**
3. How many people were convicted of a felony in 1997? **Estimate: 1698**

Before you use the above information to make fiscal calculations you should consider the numbers provided are estimates only. When providing information to the Dept. of Revenue (DOR) under current statutes for offender PFD ineligibility, it requires several months of work by personnel in data processing to assure the most accurate data is provided.

At the end of DOC's data collection for PFD eligibility, a tape of the information is provided to the DOR, Permanent Fund Dividend Division. My understanding is they run the tape against current and past dividend application information to make a determination of residency, prior eligibility, etc. My point is that some people fall off of the list due to eligibility problems they would have encountered even if they had not been incarcerated or sentenced.

I hope this information is helpful. If you require further information please feel free to give me a call.

**CONVICTIONS AND REVENUE ESTIMATIONS GENERATED BY THE PASSAGE OF SB 4**

Estimated 1998 and 1997 convictions under SB 4	352
Estimated 1998 and 1997 convictions with eligible PFDs	254
Estimated annual convictions in out years with eligible PFDs	150
Estimated amount generated by SB 4 available for appropriation from '98 and '97 convictions; \$1541(1998 PFD amount) X 254 convictions =	\$391,414
Estimated amount generated by SB 4 available for appropriation from '99, '98 and '97 convictions; \$1541 X 404 convictions	\$622,564
Estimated amount generated by SB 4 available for appropriation from '00, '99, '98, and '97 convictions; \$1541 X 554 convictions	\$853,714

**TOTAL PFD APPROPRIATIONS TO PROGRAMS UNDER AS 43.23.028(b)**

	1998	1997	1996	1995	1994
Public Safety	2,904,400	2,121,500	1,633,200	1,973,700	1,598,700
Corrections	1,047,300	1,047,300	802,900	802,900	802,900
Total	3,951,700	3,168,800	2,436,100	2,776,600	2,401,600
(growth rate)*	20%	20%	-12%	14%	

\*10.5% average over 5 years

EXAMPLE OF FUNDING SCENARIO IF OFFICE OF VICTIM'S RIGHTS IS ESTABLISHED IN FY 00

estimated amount of PFD pool in FY00 without SB 4	$3,951,700 + 10\% \text{ growth}$	4,346,870
additional revenue generated by SB 4 in FY00	PFDs from '97 and '98	391,414
estimated amount of PFD pool in FY00 with SB 4	$3,951,700 + 10\% \text{ growth} + 391,414$	4,738,284
estimated difference between FY00 and FY99 PFD pool with the passage of SB 4		786,584
FY 00 funding amount for OVR		73,000
estimated amount of additional PFD money available for appropriation after funding OVR		713,584

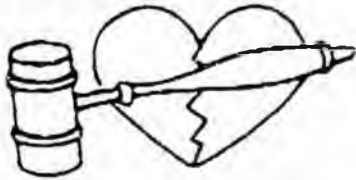
EXAMPLE OF FUNDING SCENARIO IF THE OFFICE OF VICTIM'S RIGHTS IS ESTABLISHED IN FY01

estimated amount of PFD pool in FY01 without SB 4	$4,346,870 + 10\% \text{ growth}$	4,781,557
additional revenue generated by SB 4 in FY01	PFDs from '97, '98, and '99	622,564
estimated amount of PFD pool in FY01 with SB 4	$4,346,870 + 10\% \text{ growth} + 622,564$	5,404,121
estimated difference between FY01 and FY00 PFD pool with the passage of SB 4		1,057,251
FY 01 funding amount for OVR		450,100
estimated amount of additional PFD money available for appropriation after funding OVR		607,151

EXAMPLE OF FUNDING SCENARIO FOR OFFICE OF VICTIMS RIGHTS IN FY02

estimated amount of PFD pool in FY 02 without SB 4	$4,781,557 + 10\% \text{ growth}$	5,259,713
additional revenue generated by SB 4 in FY02	PFDs from '97, '98, '99 and '00	853,714
estimated amount of PFD pool in FY02 with SB 4	$4,781,557 + 10\% \text{ growth} + 853,714$	6,113,427
estimated difference between FY02 and FY01 PFD pool with the passage of SB 4		1,331,870
FY 02 funding amount for OVR		450,100
estimated amount of additional PFD money available for appropriation after funding OVR		881,770

## VICTIMS



**for Justice** 619 East Fifth Avenue • Anchorage, AK 99501  
(907) 278-0977 • Fax: (907) 258-0740

January 22, 1999

Senator Robin Taylor, Chair  
Members of the Judiciary Committee  
State Capitol  
Juneau, AK 99801-1182

Re: Yes on Senate Bill 4

Dear Senator Taylor and Members of the Judiciary Committee:

One year ago this month Victims for Justice (VFJ) wrote a letter of support for the proposed Senate Bill 219, "The Crime Victims' Rights and Advocacy Act of 1998." A year later the need for this bill remains critical, because Alaska crime victims and their families continue to suffer twice, once at the hands of the criminal and again at the hands of our justice system.

Alaska crime victims' rights are being violated:

Imagine . . . your brother is murdered – beaten to death. You listen to the horror while attending the trial, waiting and anticipating your one opportunity to address the court. The opportunity to describe in your own words the catastrophic impact the senseless murder of your brother has on your life. You arrive at the courtroom on the day the district attorney's office told you the sentencing will take place, only to learn the date was changed. The sentencing occurred the day before and no one notified you! Furthermore, you learn that during the sentencing the Judge did not inquire about your presence or even acknowledge that he had read your victim impact statement. This occurred in May 1998, in Anchorage.

Imagine . . . your brother is murdered – shot to death. You attend court every day listening to the horrors of the murder. The jury deliberates for three days and announces they have reached a verdict. The judge reads the verdict 15 minutes later, before any member of the murdered victim's family has time to arrive at the courthouse! This occurred in November 1998, in Anchorage.

Imagine . . . your mother is murdered when you are thirteen – domestic violence. You and your seven siblings are removed from the home and placed in separate foster homes. No criminal charges are filed against the perpetrator. Four years later your 4 year-old brother is beaten to death by his foster parents – again no criminal charges are filed. On July 5, 1998, you learn another brother is murdered – beaten, stripped naked and left to die. This time to cope with

Senator Taylor and Members of the Judiciary Committee  
Page 2

the tremendous grief of losing *another* member of your family you have the right and choose to be actively involved in every aspect of the case. But in doing so, you must take a leave of absence from your employment. Employment that does not provide benefits for this type of leave time. To compensate for your financial losses you apply for violent crimes compensation. The compensation board meets in October, but delays a decision on your request because they are questioning your need to be present at all the hearings. The board does not meet again until December. On December 14, 1998 you receive word you will receive compensation, but for only one-third of your losses. Again you must appeal the process.

Alaskan families whose lives have been shattered by violent crime have the constitutional right to be given information, choices and an opportunity to participate in the criminal justice proceedings. Only when the rights of victims are given equal weight to the rights of the accused will there be guaranteed protection under the law. Restoring the harm done to victims must begin by our commitment to *observing* and enforcing the laws we have in place.

Please support the passage of Senate Bill 4, crime victims' rights must be protected and enforced!

Sincerely,

  
Cathy Satterfield  
Director

**"Victims' Voices: Silent No More"**

**Subject: Fw: The National Center for Victims of Crime Landmark Survey on crime victims' rights**  
**Date: Tue, 23 Feb 1999 11:01:11 -0900**  
**From: "Cathy Satterfield" <csatterfield@alaskalife.net>**  
**To: <senator\_rick\_halford@legis.state.ak.us>**

-----Original Message-----

**From: Cathy Satterfield <csatterfield@alaskalife.net>**  
**To: senator rrick\_halford@legis.state.ak.us <senator\_rrick\_halford@legis.state.ak.us>**  
**Date: Tuesday, February 23, 1999 10:57 AM**  
**Subject: The National Center for Victims of Crime Landmark Survey on crime victims' rights**

Senator Halford

I'm sending you a copy of the National Center for Victims of Crime (formerly the National Victim Center) survey results of its study of crime victims' rights. Very interesting document. I believe it can help in supporting the need for the office of victim advocacy. From VFJ point of view the results certainly reflect our experiences here in Alaska. Again, last week a client of VFJ was not notified by the DA's office that the jury had reached a verdict in her son's murder trial. She had attended the trial everyday for over two weeks, but because the paralegal was out of the office that day, no one remembered to call her. This is devastating to victims.

VFJ is working on a plan to minimize this problem. As I mentioned to you before, we will be moving to a new (and certainly more desirable - 2 minute walk to the court house) location April 1. Our plan is to negotiate with the landlord to secure additional space so we can prepare a safe and comforting room for our clients to wait for verdicts; (judges often do not allow more than 15 minutes to get to the court house and finding parking can take more then 15 minutes); to debrief clients following the many emotional court hearings; and to offer a comforting room for peer support group meetings.

The \$100,000 legislative appropriation is making it possible for VFJ do even a better job to reach out and provide compassionate support for victims of violent crime. We remain forever grateful for your help and continuing support!

Cathy

**National Institute of Justice and National Center for Victims of Crime  
Release Landmark Study  
December 29, 1998**

ARLINGTON, VA. The National Center for Victims of Crime (formerly the National Victim Center) announced the long-awaited release of its study of crime victims' rights, including the largest survey ever conducted of crime victims. The study is the subject of a Research in Brief released by the U.S. Department of Justice, National Institute of Justice, which funded the project.

The study's many significant findings include:

- Victims in states with strong victims' rights laws were more likely to be kept informed and to participate in the criminal justice system.
- Even in states with strong statutory and constitutional protections for crime victims' rights, large numbers of victims did not receive many of their rights. Half of all victims surveyed were not notified or consulted in advance of plea agreements, even in those states where they had a right to be informed. Only a third of victims, even in the states with strong protection, were notified of the defendant's bail release. Nearly half of victims surveyed, even in states with strong protection, were not notified of the sentencing hearing, a hearing they had the legal right to attend and to participate in by presenting a statement.
- There was a general failure to order and collect restitution from convicted offenders, even where crime victims had a clear legal right to such restitution.
- Where victims' rights had strong legal protection, crime victims were more likely to have positive feelings about each aspect of the criminal justice system, from efforts to apprehend the perpetrator to the fairness of the sentence.
- A substantial number of criminal justice officials interviewed were not aware that various crime victims' rights were required by law, rather than just agency policy or practice. Many officials were also unclear about which criminal justice agency had the duty to provide various crime victims' rights.

This study shows that victims' rights laws matter, and that they improve crime victims' satisfaction with each and every aspect of the criminal justice system, according to David Beatty, the Center's Director of Public Policy and Project Director for the study. Unfortunately, it also reveals that the strong state statutes and state constitutional amendments that are already on the books have not been enough to guarantee victims' rights.

The study compared two groups of states -- those with strong legal protections for the rights of crime victims and those with weaker protection -- and focused on the rights of victims to be informed, to be present, and to be heard during the criminal justice process, and on the victims' right to restitution from convicted offenders. It sought to determine the extent to which legal rights for crime victims were being implemented, whether the scope and strength of the law was directly correlated to the increased provision of information and participatory opportunities to crime victims, and the opinions of victims regarding the criminal justice system. Over 1300 crime victims were interviewed regarding their experience with the criminal justice system. Criminal justice and victim service professionals at the state and local levels were also surveyed. With few exceptions, there has been a relative lack of sound scientific research into the effect of crime victims' rights laws, noted Dr. Dean Kilpatrick, of the National Crime Victims Research and Treatment Center at the Medical University of South Carolina, who served as Research Consultant for the project. This study presents concrete data that will be used by advocates and policymakers to improve the nation's response to victims of crime.

**For more information contact**  
**David Beatty**  
**Director, Public Policy**  
703-276-2880

IN BONNIE'S HONOR

**Subject: IN BONNIE'S HONOR**

**Date: Mon, 22 Mar 1999 18:22:24 -0900**

**From: Karen Campbell <karen.dynamic@gci.net>**

**To: Senator\_Rick\_Halford@legis.state.ak.us**

My 18 year old daughter, Bonnie Craig, was brutally raped and murdered September 28, 1994. She would have turned 23 on March 30th, 1999.

I beg of you to work diligently to pass your bill SB 4 establishing the Office of Victims' Advocacy. The pain of losing a child to murder is horrendous. The pain of being re-victimized, again and again, by our "Justice System" is even worse.

Your bill will only start to help balance the Scales of Justice. It gives the victim someone they can turn to when the system fails. It's hell for victims', who have already been beaten into the ground to battle a system that isn't protecting their constitutional rights.

Please, I beg of you, DON'T LET THIS BILL GET TOSSED ASIDE AGAIN THIS YEAR! KEEP STANDING UP for victims and urged all the lawmakers to pass SB4 on March 30th, 1999...In Bonnie's Honor.

Sincerely,

Karen Campbell  
Bonnie's Mom  
(907)261-7662

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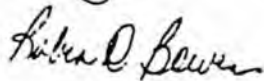
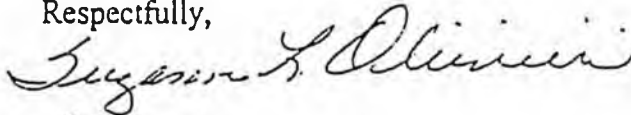
Sen. Rick Halford  
P.O. Box 670190  
Chugiak, AK 99567

Dear Senator Halford;

WASP (We Against Sexual Predators) would like to thank you for your recent letter updating us and informing us on the close of session status of your bills SB216, SB218, SB219. We express our continued support and determination to see your excellent work through to its completion in the up-coming term.

Thank you also for your heart for the children of Alaska and your diligence in presenting legislation long over-due for Alaska. We are indeed fortunate to have such a concerned Senator in our legislature.

Respectfully,



Robin D. Bowen  
Suzanne L. Olivieri  
WASP

**W. A. S. P.**

**We Against Sexual Predators  
P.O. Box 91788 Anchorage AK. 99509-1788**

**Our groups purpose and mission:**

- To educate the public concerning legislation involving sexual predator laws and sentencing in ALASKA and Nationwide.
- Monitors various sexual predator cases and the outcome of the sentencing, parole and court hearings.
- Monitors judges sentencing of offenders.
- Updates and informs legislators regarding specific cases in ALASKA both in and out of session.
- It's a voice for the children of ALASKA in protecting them from habitual offenders by changes in our laws.
- To contact and educate other public/private organizations on our mission/goals and progress.
- Victim support as request

**We encourage you to contact us for further information or concerns.**

Suzanne O.      373-7028      376-6562      Wasilla Branch  
Robin B.        522-1517      Anchorage Branch