

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2979

FISCAL NOTE

REPORTED OUT
JAN 24 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB54CS(FIN)-DPS-CRI-1-24-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: An Act Relating to protective orders RDU: Statewide Support
for crimes involving sexual assault... Component: Criminal Records and ID
 Sponsor: Senator Dyson
 Requester: Senate Finance Committee Component No.: 1190

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	4.2					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	4.2	0.0	0.0	0.0	0.0	0.0

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	4.2					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	4.2	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill allows victims of sexual assaults to obtain protective orders under the statute that currently allows protective orders for victims of stalking, which are available in circumstances when domestic violence protective orders are not available because there are no "household member" relationships between perpetrators and victims. The bill also expands mandatory arrest provisions, expands the crime of violating a protective order, adds to the notice of victims' rights for stalking victims, and increases the information that must be provided to the court when stalking/sexual assault orders are requested or in effect.

Prepared by: Director David Schade Phone: 907-269-0202
 Division: Statewide Services Date/Time: 1/24/06 10:23 AM
 Approved by: Commissioner William Tandeske Date: 1/24/2006
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. SB54CS(FIN)-DPS-CRI-1-24-06

ANALYSIS CONTINUATION

Section 1 expands AS 18.65.740, the crime of violating a protective order, to include in subsection (2) violations of protective orders issued under AS 18.65.850, 18.65.855, or 18.65.860. (AS 18.65 orders, which were previously available to victims of stalking, are in this bill made available to victims of sexual assaults.) The crime is committed by violating any of the provisions authorized by AS 18.65.850 (c) (1)-(3) in a stalking/sexual assault protective order (including original, ex parte order, emergency, and modified orders). (In contrast, only violations of the first 7 of the possible 16 provisions of a domestic violence order are crimes.) This will require the Department of Public Safety (DPS) to modify the Uniform Offense Citation Table to add violations of sexual assault orders to this crime in the table, but will have no fiscal impact on the Statewide Support Results Delivery Unit (RDU) of the DPS.

Section 2 amends AS 18.65.530(a), which requires mandatory arrest (when the officer has probable cause and the crime occurred within the previous 12 hours). There is no change to subsection (a)(1), which requires arrest for certain crimes involving domestic violence. Subsection (a)(2) is expanded to include the crime of violating stalking/assault orders. Subsection (a)(3) expands the crime of violating conditions of release to add violations of AS 12.30.025, release before trial in cases involving stalking and of AS 12.30.029, release in sexual abuse and sexual assault cases. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Sections 3, 4, and 5 amend AS 18.65.850 to allow victims of sexual assault to obtain the protective orders that are currently available to stalking victims. New subsection 18.65.850(c)(4) provides that the court may order other relief determined to be necessary to protect the petitioner or the designated household member. The addition of sexual assault orders to stalking orders (in sections 3, 4, 5, and also 7, below) will require the DPS to make modifications to the Alaska Public Safety Information Network (APSIN) programming regarding the central registry and individual records, which will require \$4,200 for contractual services.

Section 6 adds AS 18.65.850(e) to provide that a stalking/sexual assault order may not be denied solely because of a lapse of time between the act and the filing of the petition. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Section 7 adds language to AS 18.65.855(a) and (b) to allow victims of sexual assault to obtain ex parte and emergency protective orders under the statute that allows protective orders for victims of stalking. The DPS has concerns about one change in this section - the addition of subsection (4) to AS 18.65.855(b). AS 18.65.540(a) requires the DPS to maintain a central registry of Domestic Violence (DV) and stalking protective orders. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Section 8 amends AS 18.65.865(c) to add information for sexual assault victims to the DPS notice about rights and services for stalking victims. This will require changes to the notice booklet that the DPS is responsible for drafting, printing, and distributing (see the Alaska State Trooper's (AST) fiscal note for their fiscal impact).

Section 9 adds subsection (d) to AS 18.65.865 in regard to the information that parties must provide to the court when a stalking/sexual assault protective order petition is filed, pending, or in effect. The petition must include a statement of known civil or criminal actions involving either party, and both parties are subject to a continuing duty to inform the court of civil or criminal actions. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Section 10 adds a reference to the definition of "sexual assault" as it applies to the stalking/sexual assault protective order provisions.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. SB54CS(FIN)-DPS-CRI-1-24-06

ANALYSIS CONTINUATION

Section 11 provides that sections 4 and 5 have the effect of modifying Civil Rule 65 regarding temporary restraining orders.

Section 12 provides a title change for Article 11 of AS 18.65.

CS FOR SENATE BILL NO. 54(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS DYSON, Guess, French, Ellis

A BILL

FOR AN ACT ENTITLED

1 "An Act amending protective order statutes for crimes involving stalking to include
2 crimes involving sexual assault and sexual abuse, to provide for other relief ordered by a
3 court, to add the protective orders to a centralized registry, to prevent denial solely for a
4 lapse of time, and to require notification of the court of known civil or criminal actions
5 involving the petitioner or respondent; relating to notifications to victims of sexual
6 assault and to mandatory arrest for crimes involving violation of protective orders and
7 violation of conditions of release; and amending Rule 65, Alaska Rules of Civil
8 Procedure."

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

10 * Section 1. AS 11.56.740(a) is amended to read:

11 (a) A person commits the crime of violating a protective order if the person is
12 subject to a protective order

1 (1) issued or filed under AS 18.66 and containing a provision listed in
2 AS 18.66.100(c)(1) - (7) and knowingly commits or attempts to commit an act with
3 reckless disregard that the act violates or would violate a provision of the protective
4 order; or

5 (2) issued under AS 18.65.850, 18.65.855, or 18.65.860 and knowingly
6 commits or attempts to commit an act that violates or would violate a provision
7 listed in AS 18.65.850(c)(1) - (3) [IN VIOLATION OF THE ORDER].

8 * Sec. 2. AS 18.65.530(a) is amended to read:

9 (a) Except as provided in (b) or (c) of this section, a peace officer, with or
10 without a warrant, shall arrest a person if the officer has probable cause to believe the
11 person has, either in or outside the presence of the officer, within the previous 12
12 hours,

13 (1) committed domestic violence, except an offense under
14 AS 11.41.100 - 11.41.130, whether the crime is a felony or a misdemeanor;

15 (2) committed the crime of violating a protective order in violation of
16 AS 11.56.740 [AS 11.56.740(a)(1)];

17 (3) violated a condition of release imposed under AS 12.30.025,
18 12.30.027, or 12.30.029 [AS 12.30.027].

19 * Sec. 3. AS 18.65.540(b) is amended to read:

20 (b) A peace officer receiving a protective order from a court under
21 AS 18.65.850 - 18.65.855, AS 18.66.100 - 18.66.180, a modified order issued under
22 AS 18.65.860 or AS 18.66.120, or an order dismissing a protective order, must take
23 reasonable steps to ensure that the order, modified order, or dismissal is entered into
24 the central registry within 24 hours after being received.

25 * Sec. 4. AS 18.65.850(a) is amended to read:

26 (a) A person who reasonably believes that the person is a victim of stalking or
27 sexual assault that is not a crime involving domestic violence may file a petition in
28 the district or superior court for a [STALKING] protective order against a respondent
29 who is alleged to have committed the stalking or sexual assault. A parent or guardian
30 may file a petition on behalf of a minor.

31 * Sec. 5. AS 18.65.850(b) is amended to read:

1 (b) When a petition for a protective order is filed, the court shall schedule a
2 hearing and provide at least 10 days' notice to the respondent of the hearing and of the
3 respondent's right to appear and be heard, either in person or through an attorney. If
4 the court finds by a preponderance of evidence that the respondent has committed
5 stalking or sexual assault against the petitioner, regardless of whether the respondent
6 appears at the hearing, the court may order any relief available under (c) of this
7 section. The provisions of a protective order issued under this section are effective for
8 six months unless earlier dissolved by the court.

9 * Sec. 6. AS 18.65.850(c) is amended to read:

10 (c) A protective order issued under this section may

11 (1) prohibit the respondent from threatening to commit or committing
12 stalking or sexual assault;

13 (2) prohibit the respondent from telephoning, contacting, or otherwise
14 communicating directly or indirectly with the petitioner or a designated household
15 member of the petitioner specifically named by the court;

16 (3) direct the respondent to stay away from the residence, school, or
17 place of employment of the petitioner, or any specified place frequented by the
18 petitioner; however, the court may order the respondent to stay away from the
19 respondent's own residence, school, or place of employment only if the respondent has
20 been provided actual notice of the opportunity to appear and be heard on the petition;

21 (4) order other relief the court determines to be necessary to
22 protect the petitioner or the designated household member.

23 * Sec. 7. AS 18.65.850 is amended by adding a new subsection to read:

24 (e) A court may not deny a petition for a protective order solely because of a
25 lapse of time between an act of sexual assault and the filing of the petition.

26 * Sec. 8. AS 18.65.855 is amended to read:

27 Sec. 18.65.855. Ex parte and emergency protective orders for stalking and
28 sexual assault. (a) A person who reasonably believes that the person is a victim of
29 stalking or sexual assault that is not a crime involving domestic violence may file a
30 petition under AS 18.65.850 and request an ex parte protective order. If the court finds
31 that the petition establishes probable cause that the crime of stalking or sexual assault

1 has occurred, that it is necessary to protect the petitioner from further stalking or
2 sexual assault, and that the petitioner has certified to the court in writing the efforts, if
3 any, that have been made to provide notice to the respondent, the court shall ex parte
4 and without notice to the respondent issue a protective order. An ex parte protective
5 order under this section may grant the protection allowed by AS 18.65.850(c). An ex
6 parte protective order expires 20 days after it is issued unless dissolved earlier by the
7 court at the request of either the petitioner or the respondent after notice and, if
8 requested, a hearing. If the court issues an ex parte protective order, the court shall
9 have the order delivered to the appropriate law enforcement agency for expedited
10 service.

11 (b) A peace officer, on behalf of and with the consent of a victim of stalking
12 or sexual assault that is not a crime involving domestic violence, may request an
13 emergency protective order from a judicial officer. The request may be made orally or
14 in writing based on the sworn statement of a peace officer, and in person or by
15 telephone. If the court finds probable cause to believe that the petitioner is in
16 immediate danger of stalking or sexual assault based on an allegation of the recent
17 commission of stalki g or sexual assault, the court ex parte shall issue an emergency
18 protective order. An emergency protective order may grant the protection allowed by
19 AS 18.65.850(c). An emergency protective order expires 72 hours after it is issued
20 unless dissolved earlier by the court at the request of the petitioner. A peace officer
21 who obtains an emergency protective order under this section shall

22 (1) place the provisions of an oral order in writing on a form provided
23 by the court and file the written order with the issuing court by the end of the judicial
24 day after the order is issued;

25 (2) provide a copy of the order to the petitioner; and

26 (3) serve a copy of the order on the respondent.

27 * Sec. 9. AS 18.65.865(c) is amended to read:

28 (c) The Department of Public Safety shall develop and make available to law
29 enforcement agencies in the state a notice that details the rights of victims of stalking
30 and sexual assault and the services available to them. The form must be similar to
31 that provided to victims of domestic violence under AS 18.65.520. A peace officer

1 investigating a stalking or sexual assault offense shall provide the form to the victim.

2 * Sec. 10. AS 18.65.865 is amended by adding a new subsection to read:

3 (d) In addition to other information required, a petition for a protective order
4 must include a statement of pending civil and criminal actions involving either the
5 petitioner or the respondent, if known. While a protective order is in effect or a
6 petition for a protective order is pending, both the petitioner and respondent have a
7 continuing duty to inform the court of pending civil and criminal actions involving
8 either the petitioner or the respondent, if known.

9 * Sec. 11. AS 18.65.870 is amended by adding a new paragraph to read:

10 (4) "sexual assault" has the meaning given in AS 18.66.990.

11 * Sec. 12. The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 INDIRECT COURT RULE AMENDMENT. The provisions of secs. 4 - 8 of this Act
14 have the effect of changing Rule 65, Alaska Rules of Civil Procedure, by changing the
15 method for obtaining, and the timing of, temporary restraining orders.

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

18 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the title
19 of Article 11 of AS 18.65 from "Stalking Protective Orders and Notifications to Stalking
20 Victims" to "Stalking and Sexual Assault Protective Orders and Notifications to Stalking and
21 Sexual Assault Victims," to change the catch line of AS 18.65.850 from "Protective orders for
22 stalking" to "Protective order for stalking and sexual assault," and to change the catch line of
23 AS 18.65.860 from "Modification of protective orders for stalking" to "Modification of
24 protective orders for stalking and sexual assault."



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 11/24/06 TIME: 9:45am

TO: LEGAL

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: ROBIN PAUL
SENATE FINANCE CMTE. ASST. SECRETARY
PHONE: 465-2618
FAX: 465-2187

NOTES: FINAL PLEASE CS SB 54 (FIN)
24-LS0132/B
No Changes

Thanks!
Robin

CS FOR SENATE BILL NO. 54(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS DYSON, Guess, French, Ellis

A BILL

FOR AN ACT ENTITLED

1 "An Act amending protective order statutes for crimes involving stalking to include
2 crimes involving sexual assault, ^{and sexual abuse} to provide for other relief ordered by a court, to add the
3 protective orders to a centralized registry, and to require notification of the court of
4 known civil or criminal actions involving the petitioner or respondent; relating to
5 notifications to victims of sexual assault and to mandatory arrest for crimes involving
6 violation of protective orders and violation of conditions of release; and amending Rule
7 65, Alaska Rules of Civil Procedure."

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

9 * Section 1. AS 11.56.740(a) is amended to read:

10 (a) A person commits the crime of violating a protective order if the person is
11 subject to a protective order

12 (1) issued or filed under AS 18.66 and containing a provision listed in
13 AS 18.66.100(c)(1) - (7) and knowingly commits or attempts to commit an act with

Adopted 1/18/06

WORK DRAFT

WORK DRAFT

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24-LS0132W
Mischel
12/14/05

CS FOR SENATE BILL NO. 54(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS DYSON, Guess, French, Ellis

A BILL
FOR AN ACT ENTITLED

1 "An Act amending protective order statutes for crimes involving stalking to include
2 crimes involving sexual assault, to provide for other relief ordered by a court, to add the
3 protective orders to a centralized registry, and to require notification of the court of
4 known civil or criminal actions involving the petitioner or respondent; relating to
5 notifications to victims of sexual assault and to mandatory arrest for crimes involving
6 violation of protective orders and violation of conditions of release; and amending Rule
7 65, Alaska Rules of Civil Procedure."

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

9 * Section 1. AS 11.56.740(a) is amended to read:

- 10 (a) A person commits the crime of violating a protective order if the person is
- 11 subject to a protective order
- 12 (1) issued or filed under AS 18.66 and containing a provision listed in
- 13 AS 18.66.100(c)(1) - (7) and knowingly commits or attempts to commit an act with

1 reckless disregard that the act violates or would violate a provision of the protective
2 order; or

3 (2) issued under AS 18.65.850, 18.65.855, or 18.65.860 and knowingly
4 commits or attempts to commit an act that violates or would violate a provision
5 listed in AS 18.65.850(c)(1) - (3) [IN VIOLATION OF THE ORDER].

6 * Sec. 2. AS 18.65.530(a) is amended to read:

7 (a) Except as provided in (b) or (c) of this section, a peace officer, with or
8 without a warrant, shall arrest a person if the officer has probable cause to believe the
9 person has, either in or outside the presence of the officer, within the previous 12
10 hours,

11 (1) committed domestic violence, except an offense under
12 AS 11.41.100 - 11.41.130, whether the crime is a felony or a misdemeanor;

13 (2) committed the crime of violating a protective order in violation of
14 AS 11.56.740 [AS 11.56.740(a)(1)];

15 (3) violated a condition of release imposed under AS 12.30.025,
16 12.30.027, or 12.30.029 [AS 12.30.027].

17 * Sec. 3. AS 18.65.850(a) is amended to read:

18 (a) A person who reasonably believes that the person is a victim of stalking or
19 sexual assault that is not a crime involving domestic violence may file a petition in
20 the district or superior court for a [STALKING] protective order against a respondent
21 who is alleged to have committed the stalking or sexual assault. A parent or guardian
22 may file a petition on behalf of a minor.

23 * Sec. 4. AS 18.65.850(b) is amended to read:

24 (b) When a petition for a protective order is filed, the court shall schedule a
25 hearing and provide at least 10 days' notice to the respondent of the hearing and of the
26 respondent's right to appear and be heard, either in person or through an attorney. If
27 the court finds by a preponderance of evidence that the respondent has committed
28 stalking or sexual assault against the petitioner, regardless of whether the respondent
29 appears at the hearing, the court may order any relief available under (c) of this
30 section. The provisions of a protective order issued under this section are effective for
31 six months unless earlier dissolved by the court.

1 * Sec. 5. AS 18.65.850(c) is amended to read:

2 (c) A protective order issued under this section may

3 (1) prohibit the respondent from threatening to commit or committing
4 stalking or sexual assault;

5 (2) prohibit the respondent from telephoning, contacting, or otherwise
6 communicating directly or indirectly with the petitioner or a designated household
7 member of the petitioner specifically named by the court;

8 (3) direct the respondent to stay away from the residence, school, or
9 place of employment of the petitioner, or any specified place frequented by the
10 petitioner; however, the court may order the respondent to stay away from the
11 respondent's own residence, school, or place of employment only if the respondent has
12 been provided actual notice of the opportunity to appear and be heard on the petition;

13 (4) order other relief the court determines to be necessary to
14 protect the petitioner or the designated household member.

15 * Sec. 6. AS 18.65.850 is amended by adding a new subsection to read:

16 (e) A court may not deny a petition for a protective order solely because of a
17 lapse of time between an act of sexual assault and the filing of the petition.

18 * Sec. 7. AS 18.65.855 is amended to read:

19 Sec. 18.65.855. Ex parte and emergency protective orders for stalking and
20 sexual assault. (a) A person who reasonably believes that the person is a victim of
21 stalking or sexual assault that is not a crime involving domestic violence may file a
22 petition under AS 18.65.850 and request an ex parte protective order. If the court finds
23 that the petition establishes probable cause that the crime of stalking or sexual assault
24 has occurred, that it is necessary to protect the petitioner from further stalking or
25 sexual assault, and that the petitioner has certified to the court in writing the efforts, if
26 any, that have been made to provide notice to the respondent, the court shall ex parte
27 and without notice to the respondent issue a protective order. An ex parte protective
28 order under this section may grant the protection allowed by AS 18.65.850(c). An ex
29 parte protective order expires 20 days after it is issued unless dissolved earlier by the
30 court at the request of either the petitioner or the respondent after notice and, if
31 requested, a hearing. If the court issues an ex parte protective order, the court shall

1 have the order delivered to the appropriate law enforcement agency for expedited
2 service.

3 (b) A peace officer, on behalf of and with the consent of a victim of stalking
4 or sexual assault that is not a crime involving domestic violence, may request an
5 emergency protective order from a judicial officer. The request may be made orally or
6 in writing based on the sworn statement of a peace officer, and in person or by
7 telephone. If the court finds probable cause to believe that the petitioner is in
8 immediate danger of stalking or sexual assault based on an allegation of the recent
9 commission of stalking or sexual assault, the court ex parte shall issue an emergency
10 protective order. An emergency protective order may grant the protection allowed by
11 AS 18.65.850(c). An emergency protective order expires 72 hours after it is issued
12 unless dissolved earlier by the court at the request of the petitioner. A peace officer
13 who obtains an emergency protective order under this section shall

14 (1) place the provisions of an oral order in writing on a form provided
15 by the court and file the written order with the issuing court by the end of the judicial
16 day after the order is issued;

17 (2) provide a copy of the order to the petitioner; [AND]

18 (3) serve a copy of the order on the respondent; and

19 (4) enter the protective order in the central registry of protective
20 orders as required under AS 18.65.540.

21 * Sec. 8. AS 18.65.865(c) is amended to read:

22 (c) The Department of Public Safety shall develop and make available to law
23 enforcement agencies in the state a notice that details the rights of victims of stalking
24 and sexual assault and the services available to them. The form must be similar to
25 that provided to victims of domestic violence under AS 18.65.520. A peace officer
26 investigating a stalking or sexual assault offense shall provide the form to the victim.

27 * Sec. 9. AS 18.65.865 is amended by adding a new subsection to read:

28 (d) In addition to other information required, a petition for a protective order
29 must include a statement of pending civil and criminal actions involving either the
30 petitioner or the respondent, if known. While a protective order is in effect or a
31 petition for a protective order is pending, both the petitioner and respondent have a

1 continuing duty to inform the court of pending civil and criminal actions involving
2 either the petitioner or the respondent, if known.

3 * Sec. 10. AS 18.65.870 is amended by adding a new paragraph to read:

4 (4) "sexual assault" has the meaning given in AS 18.66.990.

5 * Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 INDIRECT COURT RULE AMENDMENT. The provisions of secs. 3 - 7 of this Act
8 have the effect of changing Rule 65, Alaska Rules of Civil Procedure, by changing the
9 method for obtaining, and the timing of, temporary restraining orders.

10 * Sec. 12. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the title
13 of Article 11 of AS 18.65 from "Stalking Protective Orders and Notifications to Stalking
14 Victims" to "Stalking and Sexual Assault Protective Orders and Notifications to Stalking and
15 Sexual Assault Victims," to change the catch line of AS 18.65.850 from "Protective orders for
16 stalking" to "Protective order for stalking and sexual assault," and to change the catch line of
17 AS 18.65.860 from "Modification of protective orders for stalking" to "Modification of
18 protective orders for stalking and sexual assault."

24-LS0132U
Mischel
4/27/05

CS FOR SENATE BILL NO. 54(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS DYSON, Guess, French, Ellis

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to protective orders for crimes involving sexual assault or stalking, to**
2 **notifications to victims of sexual assault, and to mandatory arrest for crimes involving**
3 **violation of protective orders and violation of conditions of release; and amending Rule**
4 **65, Alaska Rules of Civil Procedure."**

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

6 *** Section 1. AS 11.56.740(a) is amended to read:**

7 (a) A person commits the crime of violating a protective order if the person is
8 subject to a protective order

9 (1) issued or filed under AS 18.66 and containing a provision listed in
10 AS 18.66.100(c)(1) - (7) and knowingly commits or attempts to commit an act with
11 reckless disregard that the act violates or would violate a provision of the protective
12 order; or

13 (2) issued under AS 18.65.850, 18.65.855, or 18.65.860 and knowingly
14 commits or attempts to commit an act that violates or would violate a provision

1 listed in AS 18.65.850(c)(1) - (3) [IN VIOLATION OF THE ORDER].

2 * Sec. 2. AS 18.65.530(a) is amended to read:

3 (a) Except as provided in (b) or (c) of this section, a peace officer, with or
4 without a warrant, shall arrest a person if the officer has probable cause to believe the
5 person has, either in or outside the presence of the officer, within the previous 12
6 hours.

7 (1) committed domestic violence, except an offense under
8 AS 11.41.100 - 11.41.130, whether the crime is a felony or a misdemeanor;

9 (2) committed the crime of violating a protective order in violation of
10 AS 11.56.740 [AS 11.56.740(a)(1)];

11 (3) violated a condition of release imposed under AS 12.30.025,
12 12.30.027, or 12.30.029 [AS 12.30.027].

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14 (a) A person who reasonably believes that the person is a victim of stalking or
15 sexual assault that is not a crime involving domestic violence may file a petition in
16 the district or superior court for a [STALKING] protective order against a respondent
17 who is alleged to have committed the stalking or sexual assault. A parent or guardian
18 may file a petition on behalf of a minor.

19 * Sec. 4. AS 18.65.850(b) is amended to read:

20 (b) When a petition for a protective order is filed, the court shall schedule a
21 hearing and provide at least 10 days' notice to the respondent of the hearing and of the
22 respondent's right to appear and be heard, either in person or through an attorney. If
23 the court finds by a preponderance of evidence that the respondent has committed
24 stalking or sexual assault against the petitioner, regardless of whether the respondent
25 appears at the hearing, the court may order any relief available under (c) of this
26 section. The provisions of a protective order issued under this section are effective for
27 six months unless earlier dissolved by the court.

28 * Sec. 5. AS 18.65.850(c) is amended to read:

29 (c) A protective order issued under this section may

30 (1) prohibit the respondent from threatening to commit or committing
31 stalking or sexual assault;

1 (2) prohibit the respondent from telephoning, contacting, or otherwise
2 communicating directly or indirectly with the petitioner or a designated household
3 member of the petitioner specifically named by the court;

4 (3) direct the respondent to stay away from the residence, school, or
5 place of employment of the petitioner, or any specified place frequented by the
6 petitioner; however, the court may order the respondent to stay away from the
7 respondent's own residence, school, or place of employment only if the respondent has
8 been provided actual notice of the opportunity to appear and be heard on the petition;

9 (4) order other relief the court determines to be necessary to
10 protect the petitioner or the designated household member.

11 * Sec. 6. AS 18.65.850 is amended by adding a new subsection to read:

12 (e) A court may not deny a petition for a protective order solely because of a
13 lapse of time between an act of sexual assault and the filing of the petition.

14 * Sec. 7. AS 18.65.855 is amended to read:

15 Sec. 18.65.855. Ex parte and emergency protective orders for stalking and
16 sexual assault. (a) A person who reasonably believes that the person is a victim of
17 stalking or sexual assault that is not a crime involving domestic violence may file a
18 petition under AS 18.65.850 and request an ex parte protective order. If the court
19 finds that the petition establishes probable cause that the crime of stalking or sexual
20 assault has occurred, that it is necessary to protect the petitioner from further stalking
21 or sexual assault, and that the petitioner has certified to the court in writing the
22 efforts, if any, that have been made to provide notice to the respondent, the court shall
23 ex parte and without notice to the respondent issue a protective order. An ex parte
24 protective order under this section may grant the protection allowed by
25 AS 18.65.850(c). An ex parte protective order expires 20 days after it is issued unless
26 dissolved earlier by the court at the request of either the petitioner or the respondent
27 after notice and, if requested, a hearing. If the court issues an ex parte protective
28 order, the court shall have the order delivered to the appropriate law enforcement
29 agency for expedited service.

30 (b) A peace officer, on behalf of and with the consent of a victim of stalking
31 or sexual assault that is not a crime involving domestic violence, may request an

1 emergency protective order from a judicial officer. The request may be made orally or
2 in writing based on the sworn statement of a peace officer, and in person or by
3 telephone. If the court finds probable cause to believe that the petitioner is in
4 immediate danger of stalking or sexual assault based on an allegation of the recent
5 commission of stalking or sexual assault, the court ex parte shall issue an emergency
6 protective order. An emergency protective order may grant the protection allowed by
7 AS 18.65.850(c). An emergency protective order expires 72 hours after it is issued
8 unless dissolved earlier by the court at the request of the petitioner. A peace officer
9 who obtains an emergency protective order under this section shall

10 (1) place the provisions of an oral order in writing on a form provided
11 by the court and file the written order with the issuing court by the end of the judicial
12 day after the order is issued;

13 (2) provide a copy of the order to the petitioner; [AND]

14 (3) serve a copy of the order on the respondent; and

15 (4) enter the protective order in the central registry of protective
16 orders as required under AS 18.65.540.

17 * Sec. 8. AS 18.65.865(c) is amended to read:

18 (c) The Department of Public Safety shall develop and make available to law
19 enforcement agencies in the state a notice that details the rights of victims of stalking
20 and sexual assault and the services available to them. The form must be similar to
21 that provided to victims of domestic violence under AS 18.65.520. A peace officer
22 investigating a stalking or sexual assault offense shall provide the form to the victim.

23 * Sec. 9. AS 18.65.865 is amended by adding a new subsection to read:

24 (d) In addition to other information required, a petition for a protective order
25 must include a statement of pending civil and criminal actions involving either the
26 petitioner or the respondent, if known. While a protective order is in effect or a
27 petition for a protective order is pending, both the petitioner and respondent have a
28 continuing duty to inform the court of pending civil and criminal actions involving
29 either the petitioner or the respondent, if known.

30 * Sec. 10. AS 18.65.870 is amended by adding a new paragraph to read:

31 (4) "sexual assault" has the meaning given in AS 18.66.990.

1 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **INDIRECT COURT RULE AMENDMENT.** The provisions of secs. 3 - 7 of this Act
4 have the effect of changing Rule 65, Alaska Rules of Civil Procedure, by changing the
5 method for obtaining, and the timing of, temporary restraining orders.

6 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **REVISOR'S INSTRUCTION.** The revisor of statutes is instructed to change the title
9 of Article 11 of AS 18.65 from "Stalking Protective Orders and Notifications to Stalking
10 Victims" to "Stalking and Sexual Assault Protective Orders and Notifications to Stalking and
11 Sexual Assault Victims," to change the catch line of AS 18.65.850 from "Protective orders for
12 stalking" to "Protective order for stalking and sexual assault," and to change the catch line of
13 AS 18.65.860 from "Modification of protective orders for stalking" to "Modification of
14 protective orders for stalking and sexual assault."

SENATE FINANCE COMMITTEE
5/7/2005 COMMITTEE ACTION

Bill Number	SB 54-		
Amendment	CS "U"		
Motion	adopt as working draft		
<u>Motion by</u>	Dyson - removed		
<u>Objection by</u>	Green		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Hoffman			
Senator Olson			
Senator Stedman			
Senator Bunde			
Senator Dyson			
Co-Chair Wilken			
Co-Chair Green			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	w/ draw		

1/18/06
19



SENATOR FRED DYSON

SPONSOR STATEMENT

CS SB 54 (FIN)—“An Act amending protective order statutes for crimes involving stalking to include crimes involving sexual assault and sexual abuse, to provide for other relief ordered by a court, to add the protective orders to a centralized registry, and to require notification of the court of known civil or criminal actions involving the petitioner or respondent; relating to notifications to victims of sexual assault and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure.”

Historically, violent crime in Alaska has exceeded the national averages in nearly every category. Current statistics are no exception. According to a recent FBI report, our state has a stunning rate of sexual assault that nearly triples the national average. This annual Uniform Crime Report shows that as violent crime went down nationwide, it went up in Alaska. Forcible rapes in Alaska occurred at a rate of 92.5 per 100,000 people in 2003. The national average was 32.1. Although this latest increase is truly alarming, it may merely reflect the tendency for more victims to choose to report the crimes against them, rather than being solely due to an increase in offenses. Regardless, the problems persist in our state. The report continues to show that Alaska's violent crime rate—which includes murder, nonnegligent manslaughter, forcible rape, robbery, and aggravated assault—increased to 593 per 100,000 people, while the national average was 475.

In the past 30 years, Alaska has ranked among the five worst states nearly each year for the rate of sexual assault. Over 10 times has our state led the nation in this dubious distinction.

Victims of domestic violence and stalking have access to protective orders. The passage of SB 54 will allow victims of sexual assault to seek this protection as well. It is well documented that forcible rapes and sexual assaults are crimes of power, leaving the victim exceedingly fearful. Many times, victims are bullied and too terrified to report these crimes. In light of this, SB 54 attempts to grant safety and security to these victims.

These new guidelines for protective orders are inserted into the current remedies for stalking. Protective orders, ex parte orders, and emergency orders will be available to these victims. This bill focuses on victims of sexual assault (1st, 2nd, 3rd, 4th degrees) and sexual abuse of a minor (1st, 2nd, 3rd, 4th degrees) that is not domestic violence.

2003 FBI Uniform Crime Report: <http://www.fbi.gov/ucr/03cius.htm>

2003 Department of Public Safety Crime Report: <http://www.dps.state.ak.us/OnlineLibrary/html/crim2003.pdf>



SENATOR FRED DYSON

SECTIONAL ANALYSIS

CS SB 54 (FIN)—*“An Act amending protective order statutes for crimes involving stalking to include crimes involving sexual assault and sexual abuse, to provide for other relief ordered by a court, to add the protective orders to a centralized registry, and to require notification of the court of known civil or criminal actions involving the petitioner or respondent; relating to notifications to victims of sexual assault and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure.”*

Section 1. Sets the criminal penalty for violating a sexual assault protective order as a class A misdemeanor, as is the current penalty for violation of a domestic violence or stalking protective order.

Section 2. Adds sexual assault to the mandatory arrest provisions. A peace officer shall make an arrest for violations of a protective order or violations of conditions of release for cases of domestic violence, sexual assault, and stalking.

Section 3. Creates the availability of protective orders for victims of sexual assault by petitioning the district or superior court. A parent or guardian may file on behalf of a minor.

Section 4. Sets the parameters for court hearings. A hearing will be arranged in at least 10 days, and upon a preponderance of the evidence, a 6-month protective order is available.

Section 5. Outlines the remedies available for protective orders for victims of stalking or sexual assault. Adds an allowance for the court to determine other relevant protections.

Section 6. Similar to a domestic violence provision, this subsection allows sexual assault victims to seek protective orders when they feel unsafe, rather than being limited by the time elapsed since the crime.

Section 7. Creates the availability of ex parte and emergency protective orders for victims of sexual assault. Ex parte orders are obtainable, upon a probable cause finding and are valid for 20 days. In addition, peace officers may acquire emergency protective orders for victims of sexual assault, valid for 72 hours, upon probable cause that a crime has occurred.

Section 8. Expands the notification from the Department's of Public Safety to include victims of sexual assault. Investigating peace officers will provide information that explains a victims' rights and available services.

Section 9. Adds the requirement that the petitioner must inform the court of pending civil and criminal actions involving the petitioner or the respondent, if any.

Section 10. Identifies the crimes of sexual assault (1st, 2nd, 3rd, 4th degrees), sexual abuse of a minor (1st, 2nd, 3rd, 4th degrees), and incest.

Section 11. Changes Rule 65, Alaska Rules of Civil Procedure, regarding restraining orders.

Section 12. Revisor's Instructions to expand the titles currently involving stalking to include sexual assault.



SENATOR FRED DYSON

SPONSOR STATEMENT

SB 54—“An Act relating to protective orders for crimes involving sexual assault or stalking, to notifications to victims of sexual assault, and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure.”

Historically, violent crime in Alaska has exceeded the national averages in nearly every category. Current statistics are no exception. According to a recent FBI report, our state has a stunning rape rate of nearly three times the national average. This annual Uniform Crime Report shows that as violent crime went down nationwide, it went up in Alaska. Forcible rapes in Alaska occurred at a rate of 92.5 per 100,000 people in 2003. The national average was 32.1. Although this latest increase is truly alarming, it may merely reflect the tendency for more victims to choose to report the crimes against them, rather than being solely due to an increase in offenses. Regardless, the problems persist in our state. The report continues to show that Alaska's violent crime rate—which includes murder, nonnegligent manslaughter, forcible rape, robbery, and aggravated assault—increased to 593 per 100,000 people, while the national average was 475.

In the past 30 years, Alaska has ranked among the five worst states nearly each year for its rate of rape. Over 10 times has our state led the nation in this dubious distinction.

Victims of domestic violence and stalking have access to protective orders. The passage of SB 54 will allow victims of sexual assault to seek this protection as well. It is well documented that forcible rapes and sexual assaults are crimes of power, leaving the victim exceedingly fearful. Many times, victims are bullied and/or too terrified to report these crimes. In light of this, SB 54 attempts to grant additional safety to these victims.

These new guidelines for protective orders are modeled after the current statutes for cases involving stalking. Protective orders, ex parte orders, and emergency orders will be available to these victims. This bill focuses on victims of sexual assault (1st, 2nd, 3rd, 4th degrees) and sexual abuse of a minor (1st, 2nd, 3rd, 4th degrees) that is not domestic violence.

2003 FBI Uniform Crime Report: <http://www.fbi.gov/ucr/03cius.htm>

SB 54 History

The bill was originally drafted to create protective orders for victims of sexual assault. Although the bill focuses on sexual assault that occurs outside of domestic violence, the provisions and remedies were based on (and were inserted with) the current statutory provisions for **domestic violence** protective orders.

In the Senate State Affairs Committee, the bill was amended to build these new sexual assault protective orders based upon current statutory provisions for **stalking** protective orders, rather than domestic violence. The stalking remedies are more limited than those available in cases of domestic violence, and this is appropriate because domestic relationships often involve additional legal relationships such as child custody and asset ownership that are not present outside of domestic relationships. The language was so changed, but the provisions remained located in the statutory article regarding **domestic violence and sexual assault**.

The Senate Judiciary Committee Substitute simply moved the location of these new sexual assault protective orders into the statutory article regarding **stalking**. This was done upon the advice of the Alaska Council on Domestic Violence & Sexual Assault and the Department of Law in order to have two separate sections for protective orders: one for inside domestic violence and one for outside domestic violence.



SENATOR FRED DYSON

SECTIONAL ANALYSIS

SB 54—*“An Act relating to protective orders for crimes involving sexual assault or stalking, to notifications to victims of sexual assault, and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure.”*

Section 1. Clarifies the criminal statutes that violating a sexual assault protective order will be a class A misdemeanor, as is the current penalty for violation of a domestic violence protective order.

Section 2. Adds to the mandatory arrest provision that a peace officer shall make an arrest for violations of a protective order or violations of conditions of release. This provision includes cases of domestic violence, sexual assault, and stalking—while the current statute mentions only domestic violence.

Section 3. Creates the availability of protective orders for victims of sexual assault.

Section 4. Adds sexual assault to the current provisions regarding stalking in order to arrange a court hearing and the respondent's right to be heard. These protective orders are effective for six months.

Section 5. Outlines the remedies available for protective orders for victims of stalking or sexual assault. Adds an allowance for the court to determine other relevant protections. Allows victims of sexual assault to be reimbursed for medical and counseling expenses incurred as a result of the crime.

Section 6. Similar to a domestic violence provision, this subsection allows sexual assault victims to seek protective orders when they feel unsafe, rather than being limited by the time elapsed since the crime.

Section 7. Creates the availability of ex parte orders for victims of sexual assault. Ex parte orders are obtainable without notice to the respondent and are valid for 20 days. In addition, peace officers may acquire emergency protective orders for victims of sexual assault, valid for 72 hours.

Section 8. Expands the Department's (of Public Safety) notification to include victims of sexual assault. This notice to stalking or sexual assault victims will explain victims' rights and available services. Peace officers who investigate the sexual assault or stalking will provide the notice to the victim.

Section 9. Adds the requirement that victims of sexual assault must inform the court of pending civil and criminal actions involving the petitioner or the respondent, if known.

Section 10. Identifies the crimes of sexual assault (1st, 2nd, 3rd, 4th degrees), sexual abuse of a minor (1st, 2nd, 3rd, 4th degrees), and incest.

Section 11. Changes Rule 65, Alaska Rules of Civil Procedure, regarding restraining orders.

Section 12. Revisor's Instructions to expand the titles currently involving stalking to include sexual assault.

Table 1

**Crime in the United States
by Volume and Rate, 1984-2003**

Population ¹	Violent crime					Property crime			
	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny-theft	Motor vehicle theft
Number of Offenses									
Population by year:									
1984-235,824,902	1,273,282	18,692	84,233	485,008	685,349	10,608,473	2,987,434	6,591,874	1,032,165
1985-237,923,795	1,327,767	18,976	87,671	497,874	723,246	11,102,590	3,073,348	6,926,380	1,102,862
1986-240,132,887	1,489,169	20,613	91,459	542,775	834,322	11,722,700	3,241,410	7,257,153	1,224,137
1987-242,288,918	1,483,999	20,096	91,111	517,704	855,088	12,024,709	3,236,184	7,499,851	1,288,674
1988-244,498,982	1,566,221	20,675	92,486	542,968	910,092	12,356,865	3,218,077	7,705,872	1,432,916
1989-246,819,230	1,646,037	21,500	94,504	578,326	951,707	12,605,412	3,168,170	7,872,442	1,564,800
1990-249,464,396	1,820,127	23,438	102,555	639,271	1,054,863	12,655,486	3,073,909	7,945,670	1,635,907
1991-252,153,092	1,911,767	24,703	106,593	687,732	1,092,739	12,961,116	3,157,150	8,142,228	1,661,738
1992-255,029,699	1,932,274	23,760	109,062	672,478	1,126,972	12,505,917	2,979,884	7,915,199	1,610,834
1993-257,782,608	1,926,917	24,526	106,014	659,870	1,135,607	12,218,777	2,834,808	7,820,909	1,563,060
1994-260,327,021	1,857,670	23,326	102,216	618,949	1,113,170	12,131,873	2,712,774	7,879,812	1,539,287
1995-262,803,276	1,798,792	21,606	97,470	580,509	1,099,207	12,063,935	2,593,784	7,997,710	1,472,441
1996-265,228,572	1,688,540	19,645	96,252	535,594	1,037,049	11,805,323	2,506,400	7,904,685	1,394,238
1997-267,783,607	1,636,096	18,208	96,153	498,870	1,023,201	11,558,475	2,460,226	7,743,760	1,354,189
1998-270,248,003	1,535,887	16,974	93,144	447,186	976,583	10,951,827	2,332,735	7,376,311	1,242,781
1999-272,690,813	1,426,044	15,522	89,411	409,371	911,740	10,208,334	2,100,739	6,955,520	1,152,075
2000-281,421,906	1,425,486	5,586	90,178	408,016	911,706	10,182,584	2,050,992	6,971,590	1,160,002
2001-285,317,559 ^d	1,439,480	16,037	90,863	423,557	909,023	10,437,189	2,116,531	7,092,267	1,228,391
2002-287,973,924 ¹	1,423,677	16,229	95,235	420,806	891,407	10,455,277	2,131,252	7,057,379	1,246,646
2003-290,809,777	1,381,259	16,503	93,433	413,402	857,921	10,435,523	2,153,464	7,021,588	1,260,471
Percent change, number of offenses:									
2003/2002	-3.0	+1.7	-1.9	-1.8	-3.8	-0.2	+0.1	-0.5	+1.1
2003/1999	-3.1	+6.3	+4.5	+1.0	-5.9	+2.2	+2.5	+0.9	+9.4
2003/1994	-25.6	-29.3	-8.6	-33.2	-22.9	-14.0	-20.6	-10.9	-18.1
Rate per 100,000 Inhabitants									
Year:									
1984	539.9	7.9	35.7	205.7	290.6	4,498.5	1,265.5	2,795.2	437.7
1985	558.1	8.0	36.8	209.3	304.0	4,666.4	1,291.7	2,911.2	463.5
1986	620.1	8.6	38.1	226.0	347.4	4,881.8	1,349.8	3,022.1	509.8
1987	612.5	8.3	37.6	213.7	352.9	4,963.0	1,335.7	3,095.4	531.9
1988	640.6	8.5	37.8	222.1	372.2	5,054.0	1,316.2	3,151.7	586.1
1989	666.9	8.7	38.3	234.3	385.6	5,107.1	1,283.6	3,189.6	634.0
1990	729.6	9.4	41.1	256.3	422.9	5,073.1	1,232.2	3,185.1	655.8
1991	758.2	9.8	42.3	272.7	433.4	5,140.2	1,252.1	3,229.1	659.0
1992	757.7	9.3	42.8	263.7	441.9	4,903.7	1,168.4	3,103.6	631.6
1993	747.1	9.5	41.1	256.0	440.5	4,740.0	1,099.7	3,033.9	606.3
1994	713.6	9.0	39.3	237.8	427.6	4,660.2	1,042.1	3,026.9	591.3
1995	684.5	8.2	37.1	220.9	418.3	4,590.5	987.0	3,043.2	560.3
1996	636.6	7.4	36.3	201.9	391.0	4,451.0	945.0	2,980.3	525.7
1997	611.0	6.8	35.9	186.2	382.1	4,316.3	918.8	2,891.8	505.7
1998	567.6	6.3	34.5	165.5	361.4	4,052.5	863.2	2,729.5	459.9
1999	523.0	5.7	32.8	150.1	334.3	3,743.6	770.4	2,550.7	422.5
2000	506.5	5.5	32.0	145.0	324.0	3,618.3	728.8	2,477.3	412.2
2001 ^d	504.5	5.6	31.8	148.5	318.6	3,658.1	741.8	2,485.7	430.5
2002 ¹	494.4	5.6	33.1	146.1	309.5	3,630.6	747.0	2,450.7	432.9
2003	475.0	5.7	32.1	142.2	295.0	3,588.4	740.5	2,414.5	433.4
Percent change, rate per 100,000 Inhabitants:									
2003/2002	-3.9	+0.7	-2.8	-2.7	-4.7	-1.2	-0.9	-1.5	+0.1
2003/1999	-9.2	-0.3	-2.0	-5.3	-11.8	-4.1	-3.9	-5.3	+2.6
2003/1994	-33.4	-36.7	-18.2	-40.2	-31.0	-23.0	-28.9	-20.2	-26.7

¹ Populations are U.S. Census Bureau provisional estimates as of July 1 for each year except 1990 and 2000 which are decennial census counts.

² The murder and nonnegligent homicides that occurred as a result of the events of September 11, 2001, are not included in this table.

³ The 2002 crime figures have been adjusted.

⁴ NOTE: Although arrest data are included in the trend and clearance tables, sufficient data are not available to estimate totals for this offense.

2003 averages (nationwide)



Table 5

**Crime in the United States
by State, 2003**

Area	Population	Violent crime					Property crime			
		Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny- theft	Motor vehicle theft
ALABAMA										
Metropolitan Statistical Area	3,179,196									
Area actually reporting	95.2%	14,871	242	1,197	5,305	8,127	139,325	33,305	93,858	12,162
Estimated total	100.0%	15,364	247	1,240	5,441	8,436	144,477	34,489	97,441	12,547
Cities outside metropolitan areas	557,794									
Area actually reporting	92.9%	2,698	30	245	477	1,946	26,129	5,004	19,687	1,438
Estimated total	100.0%	2,881	32	263	507	2,079	27,863	5,339	20,993	1,531
Nonmetropolitan counties	763,762									
Area actually reporting	79.7%	866	16	122	72	656	7,894	2,724	4,469	701
Estimated total	100.0%	1,086	20	153	90	823	9,901	3,417	5,605	879
State Total	4,500,752	19,331	299	1,656	6,038	11,338	182,241	43,245	124,039	14,957
Rate per 100,000 inhabitants		429.5	6.6	36.8	134.2	251.9	4,049.1	960.8	2,756.0	332.3
ALASKA										
Metropolitan Statistical Area	315,592									
Area actually reporting	100.0%	2,222	21	291	389	1,521	14,707	1,798	11,488	1,421
Cities outside metropolitan areas	122,843									
Area actually reporting	93.4%	689	3	122	30	534	4,421	522	3,471	428
Estimated total	100.0%	738	3	131	32	572	4,733	559	3,716	458
Nonmetropolitan counties	210,383									
Area actually reporting	100.0%	890	15	178	23	674	4,840	1,498	2,773	569
State Total	648,818	3,850	39	600	444	2,767	24,280	3,855	17,977	2,448
Rate per 100,000 inhabitants		593.4	6.0	92.5	69.4	426.5	3,742.2	594.2	2,770.7	377.3
ARIZONA										
Metropolitan Statistical Area	4,958,626									
Area actually reporting	98.4%	25,898	415	1,719	7,393	16,371	288,776	52,742	181,499	54,535
Estimated total	100.0%	26,208	416	1,745	7,460	16,587	292,974	53,653	184,112	55,209
Cities outside metropolitan areas	302,704									
Area actually reporting	98.3%	1,177	13	68	123	973	14,582	2,663	10,828	1,091
Estimated total	100.0%	1,192	13	69	125	985	14,765	2,696	10,964	1,105
Nonmetropolitan counties	319,481									
Area actually reporting	100.0%	1,238	12	42	34	1,150	6,596	2,264	3,649	683
State Total	5,580,811	28,638	441	1,856	7,619	18,722	314,335	58,613	198,725	56,997
Rate per 100,000 inhabitants		513.2	7.9	33.3	136.5	335.5	5,632.4	1,050.3	3,560.9	1,021.3
ARKANSAS										
Metropolitan Statistical Area	1,566,369									
Area actually reporting	92.8%	8,199	115	651	1,804	5,629	71,247	15,972	50,710	4,565
Estimated total	100.0%	8,486	117	680	1,830	5,859	74,132	16,800	52,599	4,733
Cities outside metropolitan areas	456,839									
Area actually reporting	86.1%	2,429	25	108	288	2,008	14,204	4,166	9,417	621
Estimated total	100.0%	2,822	29	125	335	2,333	16,501	4,840	10,940	721
Nonmetropolitan counties	702,506									
Area actually reporting	79.6%	894	22	78	50	744	6,431	2,598	3,390	443
Estimated total	100.0%	1,123	28	98	63	934	3,077	3,263	4,258	556
State Total	2,725,714	12,431	174	903	2,228	9,126	98,710	24,903	67,797	6,010
Rate per 100,000 inhabitants		456.1	6.4	33.1	81.7	334.8	3,621.4	913.6	2,487.3	220.5
CALIFORNIA										
Metropolitan Statistical Area	34,663,398									
Area actually reporting	100.0%	202,433	2,369	9,695	63,482	126,887	1,191,157	235,397	716,933	238,927
Cities outside metropolitan areas	263,004									
Area actually reporting	100.0%	1,397	7	152	180	1,058	12,364	2,960	8,383	1,021
Nonmetropolitan counties	558,051									
Area actually reporting	100.0%	1,721	31	147	108	1,435	11,565	3,917	6,170	1,478
State Total	35,484,453	205,551	2,407	9,994	63,770	129,380	1,215,086	242,274	731,486	241,326
Rate per 100,000 inhabitants		579.3	6.8	28.2	179.7	364.6	3,424.3	682.8	2,061.4	680.1
COLORADO										
Metropolitan Statistical Area	3,900,941									
Area actually reporting	95.4%	13,767	160	1,638	3,562	8,407	154,403	28,339	105,124	20,940
Estimated total	100.0%	14,276	164	1,699	3,669	8,744	162,012	29,524	110,630	21,858
Cities outside metropolitan areas	595,314									
Area actually reporting	87.4%	863	9	135	52	667	11,047	1,648	8,923	476
Estimated total	100.0%	986	10	154	59	761	12,635	1,885	10,206	544
Nonmetropolitan counties	354,433									
Area actually reporting	94.5%	420	3	38	7	372	4,435	908	3,246	281
Estimated total	100.0%	444	3	40	7	394	4,693	961	3,435	297
State Total	4,550,688	15,706	177	1,893	3,735	9,901	179,340	32,370	124,271	22,699
Rate per 100,000 inhabitants		345.1	3.9	41.6	82.1	217.6	3,940.9	711.3	2,730.8	498.8
CONNECTICUT										
Metropolitan Statistical Area	2,813,777									
Area actually reporting	100.0%	9,359	101	570	4,002	4,686	81,477	13,071	58,074	10,332
Cities outside metropolitan areas	157,399									
Area actually reporting	100.0%	300	0	26	66	208	3,397	640	2,445	222
Nonmetropolitan counties	512,196									
Area actually reporting	100.0%	1,077	3	86	78	940	6,017	1,898	3,647	472
State Total	3,483,372	10,736	104	652	4,146	5,834	90,801	15,609	64,166	11,026
Rate per 100,000 inhabitants		308.2	3.0	18.7	119.0	167.5	2,606.7	448.1	1,842.1	316.5
DELAWARE										
Metropolitan Statistical Area	651,493									
Area actually reporting	100.0%	4,430	19	278	1,272	2,861	22,802	4,662	15,478	2,662
Cities outside metropolitan areas	38,605									
Area actually reporting	100.0%	340	0	24	72	244	2,051	427	1,567	57
Nonmetropolitan counties	127,390									
Area actually reporting	100.0%	699	5	51	45	508	2,814	877	1,776	161
State Total	817,491	5,379	24	353	1,389	3,613	27,667	5,966	18,121	2,880
Rate per 100,000 inhabitants		658.0	2.9	43.2	169.9	442.0	3,384.4	729.8	2,302.3	352.3

DISTRICT OF COLUMBIA¹										
Metropolitan Statistical Area	563,384									
Area actually reporting	100.0%	9,060	249	274	3,941	4,596	32,678	4,671	18,104	9,903
Cities outside metropolitan areas	None									
Nonmetropolitan counties	None									
Total	563,384	9,060	249	274	3,941	4,596	32,678	4,671	18,104	9,903
Rate per 100,000 inhabitants		1,608.1	44.2	48.6	699.5	815.8	5,800.3	829.1	3,213.4	1,757.8
FLORIDA										
Metropolitan Statistical Area	15,959,074									
Area actually reporting	99.9%	118,630	872	6,335	30,844	80,579	725,538	161,346	484,816	79,376
Estimated total	100.0%	118,659	872	6,337	30,852	80,598	725,762	161,392	484,973	79,397
Cities outside metropolitan areas	196,937									
Area actually reporting	99.2%	1,746	11	81	327	1,327	11,687	2,634	8,333	720
Estimated total	100.0%	1,761	11	82	330	1,338	11,780	2,655	8,399	726
Nonmetropolitan counties	863,057									
Area actually reporting	100.0%	3,860	41	308	341	3,170	20,154	6,597	12,117	1,440
State Total	17,019,068	124,280	924	6,727	31,523	85,106	757,696	170,644	505,489	81,563
Rate per 100,000 inhabitants		730.2	5.4	39.5	185.2	500.1	4,452.0	1,002.7	2,970.1	479.2
GEORGIA										
Metropolitan Statistical Area	6,964,510									
Area actually reporting	97.1%	31,989	563	1,828	12,668	16,930	302,922	63,860	199,987	39,075
Estimated total	100.0%	32,721	573	1,876	12,936	17,336	311,054	65,516	205,459	40,079
Cities outside metropolitan areas	642,357									
Area actually reporting	85.1%	3,511	44	201	746	2,520	30,512	5,917	23,222	1,373
Estimated total	100.0%	4,127	52	236	877	2,962	35,857	6,954	27,289	1,614
Nonmetropolitan counties	1,077,848									
Area actually reporting	87.4%	2,251	27	106	212	1,906	19,750	7,675	12,608	1,467
Estimated total	100.0%	2,574	31	121	242	2,180	22,590	6,491	14,421	1,678
State Total	8,684,715	39,422	656	2,233	14,055	22,478	369,501	78,961	247,169	43,371
Rate per 100,000 inhabitants		453.9	7.6	25.7	161.8	258.8	4,254.6	909.2	2,846.0	499.4
HAWAII										
Metropolitan Statistical Area	905,301									
Area actually reporting	100.0%	2,606	15	266	989	1,336	48,306	7,967	32,086	8,253
Cities outside metropolitan areas	None									
Nonmetropolitan counties	352,307									
Area actually reporting	100.0%	794	7	101	179	507	17,561	3,442	12,721	1,398
State Total	1,257,608	3,400	22	367	1,168	1,843	65,867	11,409	44,807	9,651
Rate per 100,000 inhabitants		270.4	1.7	29.2	92.9	146.5	5,237.5	907.2	3,562.9	767.4
IDAHO										
Metropolitan Statistical Area	864,948									
Area actually reporting	99.0%	2,354	17	402	195	1,740	28,531	5,308	21,332	1,891
Estimated total	100.0%	2,370	17	405	195	1,753	28,715	5,352	21,460	1,903
Cities outside metropolitan areas	212,578									
Area actually reporting	97.7%	491	0	52	37	402	7,067	1,419	5,279	369
Estimated total	100.0%	502	0	53	38	411	7,233	1,452	5,403	378
Nonmetropolitan counties	288,806									
Area actually reporting	98.4%	437	8	49	11	369	3,733	971	2,439	323
Estimated total	100.0%	444	8	50	11	375	3,794	987	2,479	328
State Total	1,366,332	3,316	25	508	244	2,539	39,742	7,791	29,342	2,609
Rate per 100,000 inhabitants		242.7	1.8	37.2	17.9	185.8	2,908.7	570.2	2,147.5	191.9
ILLINOIS¹										
State Total	12,653,544	70,456	896	4,167	23,809	41,584	415,593	78,288	295,541	41,764
Rate per 100,000 inhabitants		556.8	7.1	32.9	188.2	328.6	3,284.4	618.7	2,335.6	330.1
INDIANA										
Metropolitan Statistical Area	4,790,924									
Area actually reporting	91.2%	18,489	312	1,371	5,839	10,967	165,549	32,915	114,774	17,860
Estimated total	100.0%	19,314	317	1,437	5,991	11,569	174,579	34,672	121,187	18,720
Cities outside metropolitan areas	507,223									
Area actually reporting	86.8%	978	8	104	223	643	18,672	3,211	14,493	968
Estimated total	100.0%	1,126	9	120	257	740	21,499	3,697	16,687	1,115
Nonmetropolitan counties	897,496									
Area actually reporting	59.4%	841	9	97	92	643	7,101	1,908	4,639	534
Estimated total	100.0%	1,416	15	163	155	1,083	11,956	3,212	7,811	933
State Total	6,195,643	21,856	341	1,720	6,403	13,392	203,034	41,581	145,685	20,768
Rate per 100,000 inhabitants		352.8	5.5	27.8	103.3	216.2	3,357.7	671.1	2,351.4	335.2
IOWA										
Metropolitan Statistical Area	1,592,457									
Area actually reporting	98.6%	5,734	37	577	1,005	4,115	61,238	11,192	45,787	4,259
Estimated total	100.0%	5,778	37	582	1,010	4,149	61,890	11,303	46,303	4,284
Cities outside metropolitan areas	594,558									
Area actually reporting	91.0%	1,622	5	137	95	1,385	18,059	3,860	13,376	823
Estimated total	100.0%	1,783	5	151	104	1,523	19,852	4,243	14,704	905
Nonmetropolitan counties	757,047									
Area actually reporting	99.3%	456	5	29	9	413	5,198	1,986	3,003	409
Estimated total	100.0%	459	5	29	9	416	5,416	2,000	3,024	412
State Total	2,944,062	8,020	47	762	1,123	6,008	87,178	17,546	64,011	5,601
Rate per 100,000 inhabitants		272.4	1.6	25.9	38.1	796.8	2,961.1	596.0	2,171.9	190.2
KANSAS										
Metropolitan Statistical Area	1,691,995									
Area actually reporting	96.7%	7,559	79	659	1,969	4,852	72,431	14,104	52,314	6,013
Estimated total	100.0%	7,737	80	677	2,007	4,973	74,481	14,468	53,837	6,178
Cities outside metropolitan areas	605,937									
Area actually reporting	95.5%	2,110	34	248	199	1,629	25,391	5,046	19,315	1,030
Estimated total	100.0%	2,210	36	260	208	1,706	26,598	5,286	20,233	1,079
Nonmetropolitan counties	425,575									
Area actually reporting	97.3%	802	7	102	30	663	7,491	2,076	4,999	506
Estimated total	100.0%	824	7	105	31	681	7,696	2,133	5,041	520
State Total	2,723,507	10,771	123	1,042	3,246	7,360	108,777	21,887	79,113	7,777
Rate per 100,000 inhabitants		393.5	4.5	38.3	82.5	270.2	3,994.0	803.6	2,904.8	285.6
KENTUCKY¹										
State Total	4,117,827	10,777	188	1,054	3,196	6,339	110,418	27,656	73,396	9,366
Rate per 100,000 inhabitants		261.7	4.6	25.6	77.6	153.9	2,681.5	671.6	1,782.4	227.5

LOUISIANA										
Metropolitan Statistical Area	3,368,338									
Area actually reporting	97.9%	22,398	495	1,514	6,254	14,135	155,065	34,164	103,087	17,814
Estimated total	100.0%	22,799	497	1,537	6,333	14,432	158,822	34,822	105,952	18,048
Cities outside metropolitan areas	420,432									
Area actually reporting	74.7%	2,389	26	125	367	1,871	16,728	4,234	11,772	722
Estimated total	100.0%	3,197	35	167	491	2,504	22,389	5,667	15,756	966
Nonmetropolitan counties	707,564									
Area actually reporting	88.5%	2,713	48	128	217	2,320	12,703	3,882	8,053	768
Estimated total	100.0%	3,066	54	145	245	2,622	14,358	4,388	9,102	868
State Total	4,496,334	29,062	586	1,849	7,069	19,558	195,569	44,877	130,810	19,882
Rate per 100,000 inhabitants		646.3	13.0	41.1	157.2	435.0	4,349.5	998.1	2,909.3	442.2
MAINE										
Metropolitan Statistical Area	757,912									
Area actually reporting	100.0%	874	10	224	243	397	19,985	3,763	15,329	893
Cities outside metropolitan areas	276,145									
Area actually reporting	100.0%	397	3	99	38	257	8,322	1,547	6,441	334
Nonmetropolitan counties	271,671									
Area actually reporting	100.0%	151	3	31	8	109	3,771	1,269	2,273	229
State Total	1,305,728	1,422	16	354	289	763	32,078	6,579	24,043	1,486
Rate per 100,000 inhabitants		108.9	1.2	27.1	22.1	58.4	2,456.7	503.9	1,841.3	111.5
MARYLAND										
Metropolitan Statistical Area	5,223,096									
Area actually reporting	100.0%	37,461	520	1,276	13,147	22,518	201,714	37,049	128,701	35,964
Cities outside metropolitan areas	73,338									
Area actually reporting	100.0%	632	2	40	92	498	4,063	642	3,241	180
Nonmetropolitan counties	212,475									
Area actually reporting	100.0%	685	3	42	63	577	3,641	950	2,430	261
State Total	5,508,909	38,778	525	1,358	13,302	23,593	209,418	38,641	134,372	36,405
Rate per 100,000 inhabitants		703.9	9.5	24.7	241.5	428.3	3,801.4	701.4	2,439.2	660.8
MASSACHUSETTS										
Metropolitan Statistical Area	6,400,207									
Area actually reporting	97.0%	29,564	142	1,760	7,887	19,775	159,700	33,851	100,813	25,036
Estimated total	100.0%	30,122	142	1,795	7,982	20,203	163,170	34,621	103,067	25,482
Cities outside metropolitan areas	32,237									
Area actually reporting	87.1%	56	0	3	3	50	739	88	630	21
Estimated total	100.0%	74	0	3	3	68	848	101	723	24
Nonmetropolitan counties	978									
Area actually reporting	100.0%	0	0	0	0	0	0	0	0	0
State Total	6,433,422	30,196	142	1,798	7,985	20,271	164,018	34,722	101,790	25,506
Rate per 100,000 inhabitants		469.4	2.2	27.9	124.1	315.1	2,549.5	539.7	1,613.3	396.5
MICHIGAN										
Metropolitan Statistical Area	8,213,764									
Area actually reporting	99.4%	47,359	591	4,254	11,074	31,440	286,422	57,943	177,145	51,334
Estimated total	100.0%	47,498	591	4,271	11,104	31,532	288,034	58,213	178,297	51,524
Cities outside metropolitan areas	643,814									
Area actually reporting	91.9%	1,414	4	339	82	989	18,855	2,706	15,409	740
Estimated total	100.0%	1,511	4	363	88	1,056	20,251	2,905	16,549	797
Nonmetropolitan counties	1,224,407									
Area actually reporting	97.5%	2,452	21	797	63	1,571	21,528	6,966	13,182	1,380
Estimated total	100.0%	2,515	22	817	65	1,611	22,071	7,142	13,514	1,415
State Total	10,079,985	51,524	617	5,451	11,257	34,199	330,356	68,260	208,360	53,736
Rate per 100,000 inhabitants		511.2	6.1	54.1	111.7	339.3	3,277.3	677.2	2,067.1	533.1
MINNESOTA										
Metropolitan Statistical Area	3,654,804									
Area actually reporting	94.3%	11,001	102	1,487	3,690	5,722	117,187	19,488	86,591	11,108
Estimated total	100.0%	11,315	105	1,545	3,757	5,908	123,606	20,347	91,724	11,535
Cities outside metropolitan areas	548,339									
Area actually reporting	99.5%	1,080	9	276	102	693	19,661	2,797	15,861	1,003
Estimated total	100.0%	1,086	9	277	103	697	19,760	2,811	15,941	1,008
Nonmetropolitan counties	556,233									
Area actually reporting	100.0%	887	14	261	44	568	14,325	4,538	8,571	1,216
State Total	5,059,375	13,288	128	2,083	3,904	7,173	157,691	27,696	116,236	13,759
Rate per 100,000 inhabitants		262.6	2.5	41.2	77.2	141.8	3,116.8	547.4	2,297.4	272.0
MISSISSIPPI										
Metropolitan Statistical Area	1,228,282									
Area actually reporting	81.6%	3,999	93	497	1,820	1,589	50,539	13,344	31,500	5,695
Estimated total	100.0%	4,505	105	555	1,952	1,893	57,394	15,164	35,868	6,362
Cities outside metropolitan areas	604,141									
Area actually reporting	78.8%	2,131	56	258	657	1,160	27,283	6,348	19,745	1,190
Estimated total	100.0%	2,706	71	328	834	1,473	34,644	8,061	25,072	1,511
Nonmetropolitan counties	1,048,856									
Area actually reporting	41.3%	895	38	80	96	681	6,256	2,730	3,082	444
Estimated total	100.0%	2,169	92	194	233	1,650	15,157	6,614	7,467	1,076
State Total	2,881,281	9,380	268	1,077	3,019	5,016	107,195	29,839	68,407	8,949
Rate per 100,000 inhabitants		325.5	9.3	37.4	104.8	174.1	3,720.4	1,035.6	2,374.2	310.6
MISSOURI										
Metropolitan Statistical Area	4,161,628									
Area actually reporting	99.9%	22,469	240	1,091	5,898	15,240	190,529	31,803	132,006	26,720
Estimated total	100.0%	22,478	240	1,092	5,900	15,246	190,642	31,820	132,091	26,731
Cities outside metropolitan areas	667,620									
Area actually reporting	100.0%	2,450	25	186	229	2,010	25,748	4,557	20,198	993
Nonmetropolitan counties	875,216									
Area actually reporting	100.0%	2,040	23	116	74	1,827	12,614	4,531	7,148	915
State Total	5,704,484	26,968	288	1,394	6,203	19,083	229,004	40,908	159,437	28,659
Rate per 100,000 inhabitants		472.8	5.0	24.4	108.7	334.5	4,014.5	717.1	2,794.9	502.4

MONTANA										
Metropolitan Statistical Area	321,651									
Area actually reporting	87.9%	957	12	59	220	666	13,144	1,606	10,666	872
Estimated total	100.0%	1,033	13	63	224	733	13,939	1,698	11,309	932
Cities outside metropolitan areas	180,244									
Area actually reporting	70.2%	650	4	56	31	559	5,458	554	4,607	297
Estimated total	100.0%	927	6	80	44	797	7,777	789	6,565	423
Nonmetropolitan counties	415,726									
Area actually reporting	70.0%	974	8	72	21	873	4,700	865	3,449	386
Estimated total	100.0%	1,391	11	103	30	1,247	6,712	1,235	4,926	551
State Total	917,621	3,351	30	246	298	2,777	28,428	3,722	22,800	1,906
Rate per 100,000 inhabitants		365.2	3.3	26.8	32.5	302.6	3,098.0	405.6	2,484.7	207.7
NEBRASKA										
Metropolitan Statistical Area	972,426									
Area actually reporting	98.1%	4,071	43	323	1,081	2,624	45,104	6,669	33,198	5,237
Estimated total	100.0%	4,091	43	325	1,083	2,640	45,395	6,730	33,403	5,262
Cities outside metropolitan areas	395,801									
Area actually reporting	89.3%	588	7	106	60	415	13,075	1,849	10,693	533
Estimated total	100.0%	659	8	119	67	465	14,640	2,070	11,973	597
Nonmetropolitan counties	371,064									
Area actually reporting	91.6%	253	5	47	11	190	4,136	1,165	2,728	243
Estimated total	100.0%	276	5	51	12	208	4,517	1,272	2,980	265
State Total	1,739,291	5,026	56	495	1,162	3,313	64,552	10,072	48,356	6,124
Rate per 100,000 inhabitants		289.0	3.2	28.5	66.8	190.5	3,711.4	579.1	2,780.2	352.1
NEVADA										
Metropolitan Statistical Area	2,002,686									
Area actually reporting	100.0%	13,117	193	813	5,094	7,017	90,426	20,215	49,780	20,431
Estimated total										
Cities outside metropolitan areas	43,757									
Area actually reporting	100.0%	116	1	10	25	80	1,597	348	1,157	92
Estimated total										
Nonmetropolitan counties	194,711									
Area actually reporting	100.0%	532	3	51	43	435	4,086	1,414	2,357	315
Estimated total										
State Total	2,241,154	13,765	197	874	5,162	7,532	96,109	21,977	53,294	20,838
Rate per 100,000 inhabitants		614.2	8.8	39.0	230.3	336.1	4,288.4	980.6	2,378.0	929.8
NEW HAMPSHIRE										
Metropolitan Statistical Area	804,274									
Area actually reporting	85.3%	1,262	12	336	387	627	14,907	2,459	11,153	1,295
Estimated total	100.0%	1,393	13	371	411	698	16,871	2,734	12,704	1,433
Cities outside metropolitan areas	426,204									
Area actually reporting	66.1%	315	3	90	43	179	6,109	1,121	4,687	301
Estimated total	100.0%	477	5	136	65	271	9,242	1,696	7,091	455
Nonmetropolitan counties	57,209									
Area actually reporting	81.9%	38	0	16	2	20	275	100	151	24
Estimated total	100.0%	46	0	20	2	24	335	122	184	29
State Total	1,287,687	1,916	18	427	478	993	26,448	4,557	19,979	1,917
Rate per 100,000 inhabitants		148.8	1.4	33.2	37.1	77.1	2,053.9	353.5	1,551.5	148.9
NEW JERSEY										
Metropolitan Statistical Area	8,638,396									
Area actually reporting	100.0%	31,599	407	1,325	13,366	16,501	219,799	43,453	141,778	34,568
Estimated total										
Cities outside metropolitan areas	None									
Nonmetropolitan counties	None									
State Total	8,638,396	31,599	407	1,325	13,366	16,501	219,799	43,453	141,778	34,568
Rate per 100,000 inhabitants		365.8	4.7	15.3	154.7	191.0	2,544.4	503.0	1,641.3	400.2
NEW MEXICO										
Metropolitan Statistical Area	1,200,062									
Area actually reporting	88.0%	7,758	75	614	1,493	5,576	49,668	11,777	32,206	5,685
Estimated total	100.0%	8,454	79	672	1,565	6,138	52,717	12,715	33,993	6,099
Cities outside metropolitan areas	397,362									
Area actually reporting	91.3%	3,105	21	163	315	2,606	18,983	4,465	13,593	925
Estimated total	100.0%	3,400	23	179	345	2,855	20,794	4,891	14,890	1,013
Nonmetropolitan counties	277,190									
Area actually reporting	70.5%	433	7	61	28	337	2,673	1,137	1,371	165
Estimated total	100.0%	614	10	86	40	478	3,790	1,612	1,944	234
State Total	1,874,614	12,470	112	937	1,950	9,471	77,301	19,218	50,827	7,256
Rate per 100,000 inhabitants		665.2	6.0	50.0	104.0	505.2	4,123.6	1,025.2	2,711.3	387.1
NEW YORK										
Metropolitan Statistical Area	17,630,414									
Area actually reporting	99.3%	85,641	909	3,244	35,348	46,140	397,171	67,795	285,262	44,114
Estimated total	100.0%	85,872	909	3,255	35,427	46,281	399,777	68,176	287,311	44,290
Cities outside metropolitan areas	557,644									
Area actually reporting	90.0%	1,328	6	184	208	930	15,573	2,564	12,627	382
Estimated total	100.0%	1,475	7	204	231	1,033	17,297	2,848	14,025	424
Nonmetropolitan counties	977,057									
Area actually reporting	93.0%	1,783	17	292	93	1,381	13,362	4,154	8,740	468
Estimated total	100.0%	1,918	18	314	100	1,486	14,374	4,469	9,402	501
State Total	19,190,115	89,265	934	3,773	35,758	48,800	431,448	78,493	310,738	45,217
Rate per 100,000 inhabitants		463.2	4.9	19.7	186.3	254.3	2,248.3	393.4	1,619.3	235.6
NORTH CAROLINA										
Metropolitan Statistical Area	5,765,061									
Area actually reporting	98.0%	28,614	320	1,503	9,879	16,912	259,950	68,549	170,223	21,178
Estimated total	100.0%	29,344	323	1,524	9,958	17,129	263,927	69,699	172,827	21,401
Cities outside metropolitan areas	815,560									
Area actually reporting	92.5%	4,885	66	279	1,085	3,055	49,166	12,119	34,784	2,263
Estimated total	100.0%	5,271	71	302	1,602	3,296	53,080	13,082	37,560	2,438
Nonmetropolitan counties	1,826,625									
Area actually reporting	97.5%	3,939	112	305	652	2,870	41,574	17,453	21,145	2,976
Estimated total	100.0%	4,041	115	313	669	2,941	42,651	17,906	21,694	3,053
State Total	8,407,248	38,246	509	2,139	12,219	23,369	359,640	100,687	232,081	24,893
Rate per 100,000 inhabitants		454.9	6.1	25.4	145.5	278.0	4,278.0	1,197.6	2,760.5	319.9

NORTH DAKOTA											
Metropolitan Statistical Area	286,263										
Area actually reporting	99.5%	253	3	73	28	149	7,382	1,039	5,825	518	
Estimated total	100.0%	254	3	73	28	150	7,432	1,047	5,864	521	
Cities outside metropolitan areas	141,733										
Area actually reporting	84.0%	140	6	51	16	67	3,527	424	2,804	299	
Estimated total	100.0%	167	7	61	19	80	4,201	505	3,340	356	
Nonmetropolitan counties	205,841										
Area actually reporting	81.6%	59	2	14	3	40	1,348	317	867	164	
Estimated total	100.0%	72	2	17	4	49	1,653	389	1,063	201	
State Total	633,837	493	12	151	51	279	13,286	1,941	10,267	1,078	
Rate per 100,000 inhabitants		77.8	1.9	23.8	8.0	44.0	2,096.1	306.2	1,619.8	170.1	
OHIO											
Metropolitan Statistical Area	9,211,400										
Area actually reporting	90.2%	33,940	443	3,829	15,781	13,887	335,607	17,844	221,267	36,496	
Estimated total	100.0%	35,357	454	4,051	16,274	14,578	360,292	82,495	239,706	38,091	
Cities outside metropolitan areas	834,409										
Area actually reporting	69.6%	1,261	24	241	354	642	26,246	4,677	20,544	1,025	
Estimated total	100.0%	1,810	34	346	508	922	37,688	6,716	29,500	1,472	
Nonmetropolitan counties	1,389,989										
Area actually reporting	70.9%	664	24	135	76	429	12,999	4,055	7,928	1,016	
Estimated total	100.0%	936	34	190	107	605	18,337	5,720	11,184	1,433	
State Total	11,435,798	38,103	522	4,587	16,889	16,105	416,317	94,931	280,390	40,996	
Rate per 100,000 inhabitants		333.2	4.6	40.1	147.7	140.8	3,640.5	830.1	2,451.9	358.5	
OKLAHOMA											
Metropolitan Statistical Area	2,212,103										
Area actually reporting	100.0%	13,093	154	995	2,808	9,136	113,012	24,122	78,534	10,356	
Estimated total	696,232										
Cities outside metropolitan areas	696,232										
Area actually reporting	100.0%	3,222	29	364	373	2,456	29,735	7,394	20,615	1,726	
Estimated total	603,197										
Nonmetropolitan counties	603,197										
Area actually reporting	100.0%	1,443	23	142	43	1,235	8,461	3,330	4,255	876	
Estimated total	3,511,532	17,758	206	1,501	3,224	12,827	151,208	34,846	103,404	12,958	
State Total	3,511,532	17,758	206	1,501	3,224	12,827	151,208	34,846	103,404	12,958	
Rate per 100,000 inhabitants		505.7	5.9	42.7	91.8	365.3	4,306.0	992.3	2,944.7	369.0	
OREGON											
Metropolitan Statistical Area	2,740,172										
Area actually reporting	99.0%	9,033	54	981	2,575	5,423	139,022	22,234	100,182	16,606	
Estimated total	100.0%	9,075	54	987	2,584	5,450	139,928	22,406	100,810	16,712	
Cities outside metropolitan areas	371,581										
Area actually reporting	98.2%	956	5	134	212	605	20,455	3,489	15,542	1,424	
Estimated total	100.0%	973	5	136	216	616	20,835	3,554	15,831	1,450	
Nonmetropolitan counties	447,843										
Area actually reporting	90.4%	427	8	86	46	287	8,559	2,410	5,401	748	
Estimated total	100.0%	472	9	95	51	317	9,467	2,666	5,974	827	
State Total	3,559,596	10,520	68	1,218	2,851	6,393	170,230	28,626	122,615	18,989	
Rate per 100,000 inhabitants		295.5	1.9	34.2	80.1	179.3	4,782.3	804.2	3,444.6	533.5	
PENNSYLVANIA											
Metropolitan Statistical Area	10,391,620										
Area actually reporting	91.3%	43,421	606	2,848	16,917	23,050	245,380	43,022	172,494	29,864	
Estimated total	100.0%	45,463	622	2,996	17,441	24,404	264,583	45,786	187,517	31,280	
Cities outside metropolitan areas	867,466										
Area actually reporting	73.9%	1,763	9	173	274	1,307	15,180	2,352	12,068	760	
Estimated total	100.0%	2,386	12	234	371	1,769	20,543	3,183	16,331	1,029	
Nonmetropolitan counties	1,106,369										
Area actually reporting	100.0%	1,367	17	326	168	856	15,515	4,950	9,432	1,133	
State Total	12,465,455	49,216	651	3,556	17,980	27,029	300,641	53,919	213,280	33,442	
Rate per 100,000 inhabitants		398.0	5.3	28.8	145.4	218.6	2,431.3	436.0	1,724.8	270.4	
PUERTO RICO											
Metropolitan Statistical Area	3,683,868										
Area actually reporting	100.0%	11,614	756	260	7,636	3,022	68,252	19,969	36,220	12,063	
Estimated total	194,664										
Cities outside metropolitan areas	194,664										
Area actually reporting	100.0%	271	23	4	101	143	1,643	888	607	148	
Estimated total	3,878,532	11,885	779	204	7,737	3,165	69,895	20,857	36,827	12,211	
State Total	3,878,532	11,885	779	204	7,737	3,165	69,895	20,857	36,827	12,211	
Rate per 100,000 inhabitants		306.4	20.1	5.3	199.5	81.6	1,802.1	537.8	949.5	314.8	
RHODE ISLAND											
Metropolitan Statistical Area	1,076,164										
Area actually reporting	100.0%	3,050	23	491	828	1,708	32,184	5,521	22,285	4,378	
Estimated total	None										
Cities outside metropolitan areas	None										
Nonmetropolitan counties	None										
Area actually reporting	100.0%	24	7	14	2	6	47	3	35	9	
State Total	1,076,164	3,074	25	505	830	1,714	32,231	5,524	22,320	4,387	
Rate per 100,000 inhabitants		285.6	2.3	46.9	77.1	159.3	2,995.0	513.3	2,074.0	407.7	
SOUTH CAROLINA											
Metropolitan Statistical Area	3,112,033										
Area actually reporting	99.9%	24,873	223	1,445	4,581	18,624	143,710	32,333	98,452	12,925	
Estimated total	100.0%	24,880	223	1,445	4,582	18,640	143,732	32,343	98,500	12,929	
Cities outside metropolitan areas	265,266										
Area actually reporting	99.5%	3,275	27	114	518	2,616	16,812	3,547	12,461	804	
Estimated total	100.0%	3,292	27	115	521	2,629	16,896	3,565	12,523	808	
Nonmetropolitan counties	769,853										
Area actually reporting	100.0%	4,736	50	283	567	1,836	25,003	7,674	15,304	2,023	
State Total	4,147,152	32,908	300	1,843	5,670	25,095	185,671	43,582	126,327	15,763	
Rate per 100,000 inhabitants		793.5	7.2	44.4	136.7	605.1	4,477.1	1,050.9	3,046.1	380.1	
SOUTH DAKOTA											
Metropolitan Statistical Area	324,249										
Area actually reporting	92.1%	846	6	240	81	519	8,996	1,372	6,910	524	
Estimated total	100.0%	914	6	247	81	530	9,185	1,593	7,057	535	
Cities outside metropolitan areas	201,164										
Area actually reporting	91.1%	267	1	64	10	192	4,343	759	3,372	212	
Estimated total	100.0%	293	1	70	11	211	4,770	834	3,703	233	
Nonmetropolitan counties	238,896										
Area actually reporting	83.8%	140	2	31	10	97	1,127	374	664	89	
Estimated total	100.0%	168	3	37	12	116	1,344	446	792	106	
State Total	764,309	1,325	10	344	104	857	15,299	2,873	11,592	874	
Rate per 100,000 inhabitants		171.4	1.3	46.3	13.6	112.1	2,001.7	375.9	1,511.4	114.4	

TENNESSEE											
Metropolitan Statistical Area	4,237,335										
Area actually reporting	100.0%	33,347	337	1,770	8,796	22,444	205,209	43,498	134,118	22,593	
Estimated total											
Cities outside metropolitan areas	578,487										
Area actually reporting	100.0%	3,576	29	172	461	2,914	29,700	6,595	21,328	1,777	
Estimated total											
Nonmetropolitan counties	1,025,926										
Area actually reporting	100.0%	3,254	29	143	115	2,967	20,924	8,114	10,770	2,040	
Estimated total											
State Total	5,841,748	40,177	395	2,085	9,372	28,325	255,833	63,207	166,216	26,410	
Rate per 100,000 inhabitants		687.8	6.8	35.7	160.4	484.9	4,379.4	1,082.0	2,845.3	452.1	
TEXAS											
Metropolitan Statistical Area	19,139,661										
Area actually reporting	99.9%	112,867	1,287	7,172	36,079	68,349	933,337	196,088	643,619	93,630	
Estimated total	100.0%	112,910	1,287	7,174	36,085	68,364	933,649	196,149	643,847	93,653	
Cities outside metropolitan areas	1,373,327										
Area actually reporting	99.3%	5,889	62	554	769	4,504	55,776	12,868	40,288	2,620	
Estimated total	100.0%	5,918	62	556	770	4,530	56,063	12,937	40,407	2,629	
Nonmetropolitan counties	1,605,521										
Area actually reporting	100.0%	3,373	69	282	163	2,859	26,710	10,699	14,089	1,922	
Estimated total											
State Total	22,118,509	122,201	1,418	8,012	37,018	75,753	1,016,422	219,785	698,433	98,204	
Rate per 100,000 inhabitants		552.5	6.4	36.2	167.4	342.5	4,595.3	993.7	3,157.7	444.0	
UTAH											
Metropolitan Statistical Area	2,078,616										
Area actually reporting	98.1%	5,317	52	785	1,212	3,268	90,781	15,082	68,451	7,248	
Estimated total	100.0%	5,401	53	802	1,223	3,323	92,168	15,325	69,488	7,355	
Cities outside metropolitan areas	128,198										
Area actually reporting	91.9%	226	3	50	16	157	4,173	719	3,237	217	
Estimated total	100.0%	245	3	54	17	171	4,539	782	3,521	236	
Nonmetropolitan counties	144,653										
Area actually reporting	94.3%	188	2	34	14	138	2,504	624	1,717	163	
Estimated total	100.0%	199	2	36	15	146	2,655	662	1,820	173	
State Total	2,351,467	5,845	58	892	1,255	3,640	99,362	16,769	74,829	7,764	
Rate per 100,000 inhabitants		248.6	2.5	37.9	53.4	154.8	4,225.5	713.1	3,182.2	330.2	
VERMONT											
Metropolitan Statistical Area	203,769										
Area actually reporting	96.4%	344	4	55	34	251	5,334	1,153	3,944	237	
Estimated total	100.0%	352	4	55	35	258	5,521	1,189	4,089	243	
Cities outside metropolitan areas	197,181										
Area actually reporting	100.0%	225	1	46	19	159	5,215	792	4,227	196	
Estimated total											
Nonmetropolitan counties	218,157										
Area actually reporting	100.0%	105	9	20	6	70	2,885	977	1,701	207	
Estimated total											
State Total	619,107	682	14	121	60	487	13,621	2,958	10,017	646	
Rate per 100,000 inhabitants		110.2	2.3	19.5	9.7	78.7	2,200.1	477.8	1,618.0	104.3	
VIRGINIA											
Metropolitan Statistical Area	6,295,951										
Area actually reporting	99.2%	18,115	373	1,428	6,306	9,938	177,667	24,735	136,521	16,411	
Estimated total	100.0%	18,324	375	1,516	6,363	10,039	179,518	24,986	137,964	16,568	
Cities outside metropolitan areas	265,881										
Area actually reporting	96.6%	754	5	79	149	521	8,099	979	6,684	436	
Estimated total	100.0%	780	5	82	154	539	8,383	1,013	6,919	451	
Nonmetropolitan counties	824,598										
Area actually reporting	97.6%	1,240	32	171	151	886	11,543	2,649	7,821	873	
Estimated total	100.0%	1,271	33	175	155	908	11,830	2,920	8,015	895	
State Total	7,386,430	20,175	413	1,773	6,672	11,517	199,731	28,919	152,898	17,914	
Rate per 100,000 inhabitants		275.8	5.6	24.0	90.3	155.9	2,704.1	391.5	2,070.0	242.5	
WASHINGTON											
Metropolitan Statistical Area	5,366,728										
Area actually reporting	99.9%	19,625	167	2,461	5,518	11,479	261,672	51,146	171,859	38,667	
Estimated total	100.0%	19,643	167	2,464	5,523	11,489	261,949	51,198	172,079	38,712	
Cities outside metropolitan areas	323,517										
Area actually reporting	95.7%	841	3	215	130	493	17,777	3,231	13,575	971	
Estimated total	100.0%	879	3	225	136	515	18,570	3,375	14,181	1,014	
Nonmetropolitan counties	441,180										
Area actually reporting	88.2%	664	12	154	52	416	9,683	3,257	5,619	787	
Estimated total	100.0%	754	14	170	59	506	10,955	3,695	6,397	893	
State Total	6,131,445	21,276	184	2,864	5,718	12,510	291,444	58,268	192,647	40,619	
Rate per 100,000 inhabitants		347.0	3.0	46.7	93.3	204.0	4,754.9	950.3	3,142.1	662.5	
WEST VIRGINIA											
Metropolitan Statistical Area	989,502										
Area actually reporting	91.7%	2,966	29	182	563	2,092	26,729	6,141	18,295	2,293	
Estimated total	100.0%	3,041	30	187	586	2,218	28,672	6,488	19,768	2,416	
Cities outside metropolitan areas	226,921										
Area actually reporting	82.3%	473	1	32	58	360	4,193	830	3,167	261	
Estimated total	100.0%	575	4	37	70	462	5,189	1,038	3,844	344	
Nonmetropolitan counties	594,011										
Area actually reporting	86.1%	980	25	69	64	751	7,702	2,110	4,648	744	
Estimated total	100.0%	1,045	29	70	74	832	8,942	2,682	5,396	854	
State Total	1,810,354	4,661	63	296	740	3,972	42,714	10,178	29,812	3,824	
Rate per 100,000 inhabitants		257.5	3.5	16.4	40.3	197.3	2,359.4	562.2	1,602.6	198.7	
WISCONSIN											
Metropolitan Statistical Area	4,959,019										
Area actually reporting	97.2%	10,340	159	937	4,248	4,996	124,460	19,927	91,776	10,757	
Estimated total	100.0%	10,632	160	952	4,266	5,054	126,347	20,270	95,261	10,856	
Cities outside metropolitan areas	610,884										
Area actually reporting	99.0%	980	4	144	86	746	19,669	2,523	16,437	709	
Estimated total	100.0%	989	4	145	87	753	19,862	2,548	16,598	716	
Nonmetropolitan counties	988,412										
Area actually reporting	100.0%	674	17	101	33	523	11,498	3,744	7,606	740	
Estimated total											
State Total	5,472,299	12,095	180	1,198	4,366	6,340	157,747	26,562	118,665	12,320	
Rate per 100,000 inhabitants		221.0	3.3	21.9	80.1	115.7	2,882.6	484.4	2,172.1	225.1	

WYOMING

Metropolitan Statistical Area	150,994									
Area actually reporting	100.0%	338	6	51	46	235	6,529	1,052	5,106	371
Cities outside metropolitan areas	209,513									
Area actually reporting	97.5%	612	4	59	29	520	7,666	1,039	6,319	308
Estimated total	100.0%	627	4	60	30	533	7,859	1,065	6,478	316
Nonmetropolitan counties	141,735									
Area actually reporting	95.8%	335	4	24	8	299	2,164	473	1,585	106
Estimated total	100.0%	349	4	25	8	312	2,260	494	1,655	111
State Total	501,242	1,314	14	136	84	1,080	16,648	2,611	13,239	798
Rate per 100,000 inhabitants		262.1	2.8	27.1	16.8	215.5	3,321.3	520.9	2,641.2	159.2

¹ Includes offenses reported by the Zoological Police and the Metro Transit Police.

² Limited data for 2003 were available for Illinois and Kentucky. See Offense Estimation Appendix 1, for details.

NOTE: Although arson data are included in the arrest and clearance tables, sufficient data are not available to estimate totals for this offense.

SENATE COMMITTEE REPORT

DATE: 3/16/05

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 3/31/05

Judiciary Committee considered SENATE BILL NO. 54

SB 54 PROTECTIVE ORDERS FOR SEXUAL ASSAULT

"An Act relating to notification to victims of sexual assault; relating to protective orders; and relating to arrests for crimes involving sexual assault, violation of protective orders, or violation of conditions of release."

and recommends:

- be replaced with _____ CS SB 54 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	2/15			✓	1
LAW	2/15			✓	2
COR	2/15			✓	3
DPS	2/16	✓			4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
French	X			
Guess	X			
Tremblay	X			
Huggins	X			
CHAIR: Seelins	✓			

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/14/05

FURTHER: Judiciary

Date of 5-Day Notice: 2/10/2005
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/16/05

State Affairs Committee considered SENATE BILL NO. 54

SB 54 PROTECTIVE ORDERS/NOTICE TO VICTIMS

"An Act relating to notification to victims of sexual assault; relating to protective orders; and relating to arrests for crimes involving sexual assault, violation of protective orders, or violation of conditions of release."

and recommends:

- be replaced with _____ CS SB54 (STF)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	1/15/05			✓	1
LAW	1/15/05			✓	2
COR	1/15/05			✓	3
DPS	1/16/05	✓			4

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Bettye Davis</i>				X
<i>[Signature]</i>				X
<i>[Signature]</i>				X
<i>[Signature]</i>				
<i>[Signature]</i>				
CHAIR: <i>[Signature]</i>			X	

Lawson
Elton
Wagner
Huggins
Therriault

SB

55

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 55(FIN)
(S) Publish Date: 1/19/06

Revision Date/Time (Note if correction): 1/17/06 Dept. Affected: Natural Resources
Title: Agricultural Land RDU: Resource Development
Component: Title Acquisition & Defense
Sponsor: Senator Wagoner
Requester: (S) FIN Component No.: 2459

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*** INDETERMINATE ***					

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

CHANGE IN REVENUES (**)	*** INDETERMINATE ***					
----------------------------------	------------------------------	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*** INDETERMINATE ***					

Estimate of any current year (FY2006) cost: 00
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires DNR to convey title for the remaining interests in the land estate to an owner of the rights to that land for agricultural purposes if the land was conveyed to the state as a forest service grant under sec. (6) of the Alaska Statehood Act and the parcel is not more than 15 acres in size.

*** This legislation would enable anyone meeting the law's conditions to purchase the state retained interests to property originally sold by the department as agricultural interest only lands. DNR supports this proposed measure. Other than a small but indeterminate amount of revenue expected to be generated from the sale of the agricultural interests, there is no anticipated significant fiscal impact associated with the implementation of this proposed legislation.

Prepared by: Dick Mylius, Acting Director Phone: 907-269-8625
Division: Mining, Land & Water Date/Time: 1/17/2006
Approved by: Michael L. Menge Date: 1/17/2006
Agency: Natural Resources

Alaska Statehood Act

Selection of public lands, fish and wildlife, public schools, mineral permits, mineral grants, confirmation of grants, internal improvements, submerged lands

Section 6

(a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: And provided further, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., sections 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., sections 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
- Member, Community & Regional Affairs
- Member, Legislative Council
- Member, World Trade

Session: January – May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May – December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

Sponsor Statement SB 55 Agricultural Land

The Ross Miller family started homesteading twenty-seven acres of land in 1943 in Hope. The Millers leased fifteen acres of adjoining land from the Forest Service, in the early fifties, to use as pasture land. Due to the '64 earthquake, the Millers lost eighteen of their twenty-seven acre homestead. There was an earthquake exchange program set up and compensated the Millers for their loss by giving them only one acre of land. The state, after determining that the Millers had been treated unfairly, decided they were entitled to the fifteen acres of leased Forest Service land as relief. In 1978, agricultural rights to this land were conveyed as provided by former state law AS 38.05.321.

The Department of Natural Resources has declared that the state has no interest in retaining the remaining interest in this property, and support conveying the remaining land rights to the Millers. Unfortunately, DNR is not authorized to remove the agricultural restrictions under current statute.

SB 55 will make a minor statutory change to correct this situation. Anyone who received agricultural rights to land under sec. 6(a) of the Alaska Statehood Act, and the tracts of land were 15 acres or less, would be eligible for fee simple title if the owner pays the fair market value for the remaining interest.

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

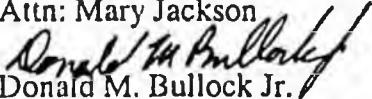
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

December 21, 2004

SUBJECT: Draft bill instructing the commissioner of natural resources to issue a patent in certain state land (Work Order No. 24-LS0287\A)

TO: Senator Tom Wagoner
Attn: Mary Jackson

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

Enclosed with this memorandum is the draft bill you requested. The draft instructs the commissioner of natural resources to issue a patent for the remaining state interests in certain land used for agricultural purposes.

Land subject to the bill must meet three requirements:

- (1) the tract originally conveyed by the state is no more than 15 acres;
- (2) the state originally acquired the land from the national forests under the statehood act; and
- (3) the state received the land for purposes of community expansion.

The owner of the agricultural rights in the land would be required to pay the state the fair market value for the remaining interests conveyed by the commissioner.

You asked whether the bill runs the risk of violating the local or special acts prohibition under art. II, sec. 19, Constitution of the State of Alaska. Although the bill would be a general act, testimony on a similar bill in an earlier Legislature reported that only one tract fit the requirements repeated above. Although the application of the bill may be limited, in my opinion, it is likely that the bill would not violate art. II, sec. 19. However, the final determination of whether the bill passes constitutional scrutiny is left to the courts.

Senator Tom Wagoner
December 21, 2004
Page 2

Art. II, sec. 19, reads as follows:

SECTION 19. Local or Special Acts. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

The bill is drafted as a general act in that it does not identify a particular state or situation to which would be applicable.

Although the draft bill does not specifically address a particular parcel of land, it may be that only one parcel in the state is affected by the legislation. Acts with limited application have survived challenges under art. II, sec. 19, when the court has found, after examining both the legislative goals and means to advance them, that the legislation bears a "fair and substantial relationship" to legitimate purposes.¹ Our state's supreme court has stated that legislation "need not operate evenly in all parts of the state to avoid being classified as local or special."² In other words, the identification of a substantial valid state interest in an act of limited application can remove the color of what may look like a possible local or special act.

In the course of enacting legislation, there are several levels at which the local or special nature of a bill may be examined. First, the bill may be drafted as a general act that reaches the intended result. Second, when considering the bill in committee and during debate, each legislator may make a decision on the appropriateness of the legislation under the constitution and public policy. Third, if enacted, the governor may review the constitutionality of the legislation along with other policy factors. Fourth, the legislation may be challenged in court where the constitutionality of the measure is ultimately determined.

Looking at the draft bill on its face, it is a general act that has application to any land in the state that meets the requirements in the bill. So long as there is a fair and substantial relationship to legitimate purposes, I believe the bill would not violate art. II, sec. 19, Constitution of the State of Alaska.

If I may be of further assistance, please advise.

Enclosure
DMB:jad
04-008.jad

¹ *State v. Lewis*, 559 P.2d 630, 643 (Alaska 1977).

² *Id.*

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND & WATER
OFFICE OF THE DIRECTOR

550 WEST 7TH AVENUE, SUITE 1070
ANCHORAGE, ALASKA 99501-3576
PHONE: (907) 269-8600
FAX: (907) 269-8904

January 21, 2005

The Honorable Tom Wagoner
State Senate
State Capitol,
Juneau, Alaska 99801-1182

RE: Support for SB 55

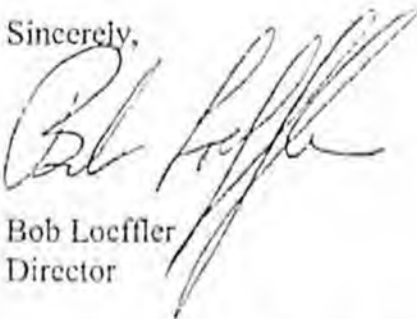
Dear Senator Wagoner:

I am writing to provide my support for SB 55. The Bill is essentially identical to SB 167, introduced by Senator Torgerson in 2001. The bill would enable anyone meeting the law's conditions, to purchase the state retained interests in property originally sold by the department as agricultural interest only lands. After review, it appears that there are few, if any, individuals other than the Miller Family would qualify.

The department reviewed that particular situation and determined that there is no compelling state interest in retaining the remaining interests in this small parcel of land. However, without SB 55 the department has no authority to convey the remaining interests in these properties. We support the bill. It would have no negative affect on the state interest and would help an Alaskan family gain equity in land they have used for many years.

If you need more information or would like to discuss this further, please call me at 269-8600 or Janet Burleson at 465-4730.

Sincerely,



Bob Loeffler
Director

Cc: Commissioner Tom Irwin
Special Assistant Janet Burleson

The Honorable Thomas Wagoner
State Senate
Alaska State Capitol
Juneau Alaska 99801-1182

Dear Senator Wagoner,

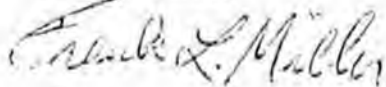
Amy asked for a statement of support for SB 55. We appreciate your efforts on getting this "problem" resolved. Many thanks.

Sincerely, Frank

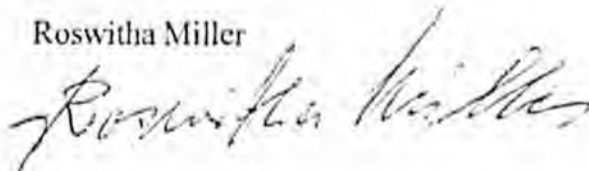
Statement of support for SB 55

We certainly support SB 55. This bill would give us the opportunity to purchase the remaining interest in a 15 acre parcel of land that we own in Hope, which is classified as agricultural rights only. Originally, the parcel was leased from the US Forest Service in the mid 1950's by my parents, Ross and Alma Miller. They wished to obtain those roughly 15 acres as a settlement for land "lost" after the 1964 Earthquake. Because of some errors and omissions by the State of Alaska, their request got lost. After a lengthy period of examination, they were given the option to purchase only ag rights to the 15 acres. At that time, it appeared the State had no interest in that parcel remaining agricultural only, which is still the case today. Being able to purchase full title to this parcel would solve the problems related to the agricultural restrictions and make the land much more usable to us.

Frank L Miller



Roswitha Miller



PO Box 39083
Ninilchik AK 99639

Amy L. Seitz

From: POMS@legis.state.ak.us
Sent: Wednesday, February 02, 2005 9:33 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 55 Agricultural Land

Terry Mcghan
Po Box 873310

Wasilla 99687-3310,

357-2303

I support SB55 in regard to returning lands back to private ownership.

Amy L. Seitz

From: POMS@legis.state.ak.us
Sent: Wednesday, February 02, 2005 10:57 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 55 Agricultural Land

Timothy Mcghan
Po Box 520356

Big Lake 99652-0356,

I am in favor of SB 55.

Amy L. Seitz

From: POMS@legis.state.ak.us
Sent: Wednesday, February 02, 2005 10:54 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 55 Agricultural Land

Lindsey Meghan
Po Box 520356

Big Lake 99652-0356,

Please pass SB 55. Thanks



Alaska State Legislature

Please enter into the record my testimony to the Senate Resource
Committee name

Committee on SB 55 dated 2-2-05
Bill/Subject

I fully support SB 55.
Since the Millers relocation from the earthquake induced floodplain in Hope the family has enjoyed this special place for 3 generations. The Miller grandchildren are interested in this land, but the agricultural restrictions do not allow more than 1 dwelling on the 15 acre parcel.

Please consider helping to make this land a home again

Signed:

Michael Miller

Testifier

Representing (Optional)

P.O. Box 870586 Wasilla Alaska 99687

Address

907-355-5466

Phone number

Amy L. Seitz

From: POMS@legis.state.ak.us
Sent: Wednesday, February 02, 2005 2:44 PM
To: Sen. Tom Wagoner
Subject: New Pom:SB 55 Agricultural Land

Michael Mcghan
Po Box 870586

Wasilla 99687-0586,

Since the Miller's relocation from the 1964 earthquake induced floodplain in Hope, the family has enjoyed this special place for 3 generations. The Miller grandchildren are interested in the land but the agriculture restrictions do not allow more than one dwelling per 15 acres.
Help make this land a home.



Alaska State Legislature

11

Please enter into the record my testimony to the

AFIN

committee name

Committee on

SB 55

, dated

4-19-06

bill # / subject

public hearing date

I support SB 55. My sister Linda Graham and I co-own the agricultural rights to a parcel in Hope (a little less than 15 acres) which we inherited from our parents, Ross and Alma Miller. The agricultural rights only keep us from dividing this parcel to pass on to our children. The passage of this bill will bring closure to a long standing situation which has been a problem for us.

Thank you for considering this bill.
We want it to pass.

Signed:

Frank L. Miller
Testifier

Representing (optional)

Box 39083

Umiukvik AK 99639

Address

567 3905

Phone number



(2)

Alaska State Legislature

Please enter into the record my testimony to the

AFIN
committee name

Committee on

SB 55
bill # / subject

, dated

4-19-06
public hearing date

Hello, I am Roswitha Miller, wife of Frank Miller, daughter-in-law of Ross and Alma Miller, and the mother of Erica Miller, who, for her part is anxiously awaiting the outcome of SB 55. And so are we all. Having SB 55 pass in a way favourable to the whole Miller Family would certainly take a load off our collective minds and help us get on with the rest of our lives!

Thank you!

Signed:

Roswitha Miller
Testifier

Representing (optional)

Address

Box 3902, Nimitchik, AK 99609

Phone number

567-3905



3

Alaska State Legislature

Please enter into the record my testimony to the

AFIN

committee name

Committee on

SB55

bill # / subject

, dated

4-19-06

public hearing date

Dear Committee Members,

This memo is in regard to SB55.

This bill would resolve a dilemma that has gone on for four decades. It would finally clear the title to our property. My family and I would appreciate your support for this ~~measure~~ ^{measure}.

Sincerely,
 Chuck & Linda Graham
 Box 11
 Hope Ak 99605
 907-982-3371

Signed:

[Signature]

Testifier

Representing (optional)

Address

Phone number

SB

55

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/4/05

FURTHER:

REPORTED OUT
JAN 19 2006
 SENATE FINANCE COMMITTEE

DATE TURNED IN TO OFFICE: 19 Jan 2006

Finance Committee considered

SENATE BILL NO. 55

SB 55 AGRICULTURAL LAND

"An Act instructing the commissioner of natural resources to issue a patent for the remaining interest in certain state land to the owner of the agricultural rights to that land."

and recommends:

- be replaced with _____ CS SB 55 (FIN)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

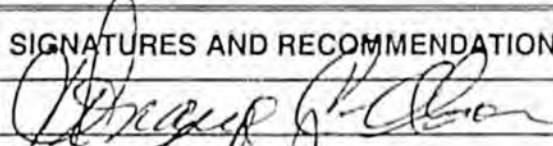
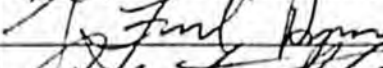

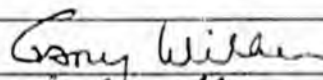
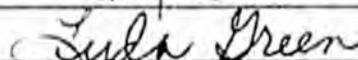
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
DNR	1/17/06		*		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
	✓			
	✓			
	✓			
COCHAIR: 	✓			
COCHAIR: 	✓			

FISCAL NOTE

REPORTED OUT
 JAN 19 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB055-DNR-ML&W-01-1
 () Publish Date: _____

Revision Date/Time (Note if correction): 1/17/06

Dept. Affected: Natural Resources

Title Agricultural Land

RDU Resource Development

Component Title Acquisition & Defense

Sponsor Senator Wagoner

Requester (S) FIN

Component No. 2459

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*** INDETERMINATE ***					

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

CHANGE IN REVENUES (***)	*** INDETERMINATE ***					
-----------------------------------	------------------------------	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*** INDETERMINATE ***					

Estimate of any current year (FY2006) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires DNR to convey title for the remaining interests in the land estate to an owner of the rights to that land for agricultural purposes if the land was conveyed to the state as a forest service grant under sec. (6) of the Alaska Statehood Act and the parcel is not more than 15 acres in size.

*** This legislation would enable anyone meeting the law's conditions to purchase the state retained interests to property originally sold by the department as agricultural interest only lands. DNR supports this proposed measure. Other than a small but indeterminate amount of revenue expected to be generated from the sale of the agricultural interests, there is no anticipated significant fiscal impact associated with the implementation of this proposed legislation.

Prepared by: Dick Mylius, Acting Director
 Division: Mining, Land & Water
 Approved by: Michael L. Menigo
 Agency: Natural Resources

Phone 907-269-8625
 Date/Time 1/17/2006
 Date 1/17/2006

Adopted 1/18/06

WORK DRAFT

WORK DRAFT

WORK DRAFT

24-LS0287\F
Bullock
1/18/06

CS FOR SENATE BILL NO. 55(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR WAGONER

A BILL
FOR AN ACT ENTITLED

1 "An Act instructing the commissioner of natural resources to issue a patent for the
2 remaining interest in certain state land to the owner of the agricultural rights to that
3 land."

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

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

7 **ADDITIONAL CONVEYANCE OF RIGHTS IN LAND ACQUIRED FOR**
8 **COMMUNITY EXPANSION.** Notwithstanding AS 38.05.069, 38.05.321, and sec. 12, ch.
9 20, SLA 1997, the commissioner of natural resources shall issue a patent for the remaining
10 interests in the land estate to an owner of the rights to that land for agricultural purposes if

11 (1) the tract originally conveyed by the state to the owner of the rights for
12 agricultural purposes is not more than 15 acres of land;

13 (2) the state originally acquired the land from the national forests under sec.
14 6(a) of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 339) for purposes of community

1 expansion; and

2 (3) the owner of the rights for agricultural purposes pays the state the fair
3 market value of the remaining interests in the land estate, as determined by an appraisal paid
4 for by the owner.

5 * Sec. 2. Section 1 of this Act is repealed December 31, 2007.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 19 Jan 2006 TIME: 9:45 am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please

CS SB 55 (FIN) 24-LS0287\F

Bullock 1/18/06

no changes

Thanks

Mindy



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
- Member, Community & Regional Affairs
- Member, Legislative Council
- Member, World Trade

Session: January – May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May – December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

Sponsor Statement SB 55 Agricultural Land

The Ross Miller family started homesteading twenty-seven acres of land in 1943 in Hope. The Millers leased fifteen acres of adjoining land from the Forest Service, in the early fifties, to use as pasture land. Due to the '64 earthquake, the Millers lost eighteen of their twenty-seven acre homestead. There was an earthquake exchange program set up and compensated the Millers for their loss by giving them only one acre of land. The state, after determining that the Millers had been treated unfairly, decided they were entitled to the fifteen acres of leased Forest Service land as relief. In 1978, agricultural rights to this land were conveyed as provided by former state law AS 38.05.321.

The Department of Natural Resources has declared that the state has no interest in retaining the remaining interest in this property, and support conveying the remaining land rights to the Millers. Unfortunately, DNR is not authorized to remove the agricultural restrictions under current statute.

SB 55 will make a minor statutory change to correct this situation. Anyone who received agricultural rights to land under sec. 6(a) of the Alaska Statehood Act, and the tracts of land were 15 acres or less, would be eligible for fee simple title if the owner pays the fair market value for the remaining interest.

Alaska Statehood Act

Selection of public lands, fish and wildlife, public schools, mineral permits, mineral grants, confirmation of grants, internal improvements, submerged lands

Section 6

(a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: And provided further, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., sections 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., sections 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND & WATER
OFFICE OF THE DIRECTOR

550 WEST 7TH AVENUE, SUITE 1070
ANCHORAGE, ALASKA 99501-3576
PHONE: (907) 269-8600
FAX: (907) 269-8904

January 21, 2005

The Honorable Tom Wagoner
State Senate
State Capitol,
Juneau, Alaska 99801-1182

RE: Support for SB 55

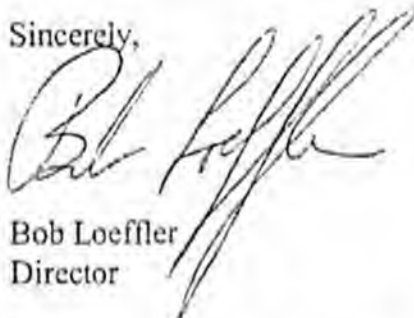
Dear Senator Wagoner:

I am writing to provide my support for SB 55. The Bill is essentially identical to SB 167, introduced by Senator Torgerson in 2001. The bill would enable anyone meeting the law's conditions, to purchase the state retained interests in property originally sold by the department as agricultural interest only lands. After review, it appears that there are few, if any, individuals other than the Miller Family would qualify.

The department reviewed that particular situation and determined that there is no compelling state interest in retaining the remaining interests in this small parcel of land. However, without SB 55 the department has no authority to convey the remaining interests in these properties. We support the bill. It would have no negative affect on the state interest and would help an Alaskan family gain equity in land they have used for many years.

If you need more information or would like to discuss this further, please call me at 269-8600 or Janet Burleson at 465-4730.

Sincerely,



Bob Loeffler
Director

Cc: Commissioner Tom Irwin
Special Assistant Janet Burleson

The Honorable Thomas Wagoner
State Senate
Alaska State Capitol
Juneau Alaska 99801-1182

Dear Senator Wagoner,

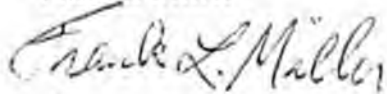
Amy asked for a statement of support for SB 55. We appreciate your efforts on getting this "problem" resolved. Many thanks.

Sincerely, Frank

Statement of support for SB 55

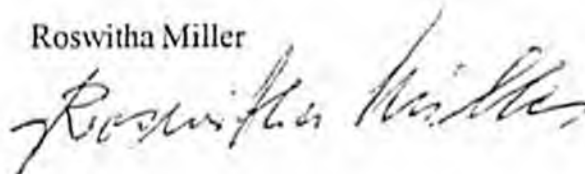
We certainly support SB 55. This bill would give us the opportunity to purchase the remaining interest in a 15 acre parcel of land that we own in Hope, which is classified as agricultural rights only. Originally, the parcel was leased from the US Forest Service in the mid 1950's by my parents, Ross and Alma Miller. They wished to obtain those roughly 15 acres as a settlement for land "lost" after the 1964 Earthquake. Because of some errors and omissions by the State of Alaska, their request got lost. After a lengthy period of examination, they were given the option to purchase only ag rights to the 15 acres. At that time, it appeared the State had no interest in that parcel remaining agricultural only, which is still the case today. Being able to purchase full title to this parcel would solve the problems related to the agricultural restrictions and make the land much more usable to us.

Frank L Miller



PO Box 39083
Ninilchik AK 99639

Roswitha Miller



Amy L. Seltz

From: POMS@legis.state.ak.us
Sent: Wednesday, February 02, 2005 9:33 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 55 Agricultural Land

Terry Mcghan
Po Box 873310

Wasilla 99687-3310,

907-2303

I support SB55 in regard to returning lands back to private ownership.

Amy L. Seitz

From: POMS@legis.state.ak.us
Sent: Wednesday, February 02, 2005 10:57 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 55 Agricultural Land

Timothy Mcghan
Po Box 520356

Big Lake 99652-0356,

I am in favor of SB 55.

Amy L. Seitz

From: POMS@legis.state.ak.us
Sent: Wednesday, February 02, 2005 10:54 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 55 Agricultural Land

Lindsey Mcghan
Po Box 520356

Big Lake 99652-0356,

Please pass SB 55. Thanks



Alaska State Legislature

Please enter into the record my testimony to the Senate Resource
Committee name

Committee on SB55, dated 2-2-05
Bill/Subject

I fully support SB55.
Since the Millers relocation from the earthquake induced flood plain in Hope the family has enjoyed this special place for 3 generations. The Miller grandchildren are interested in this land, but the agricultural restrictions do not allow more than 1 dwelling on the 15 acre parcel.

Please consider helping to make this land a home again

Signed: *Michael Miller*
Testifier

Representing (Optional)
P.O. Box 870586 Wasilla Alaska 99687
Address
907-355-5466
Phone number

Amy L. Seitz

From: POMS@legis.state.ak.us
Sent: Wednesday, February 02, 2005 2:44 PM
To: Sen. Tom Wagoner
Subject: New Pom:SB 55 Agricultural Land

Michael Meghan
Po Box 870586

Wasilla 99687-0586,

Since the Miller's relocation from the 1964 earthquake induced floodplain in Hope, the family has enjoyed this special place for 3 generations. The Miller grandchildren are interested in the land but the agriculture restrictions do not allow more than one dwelling per 15 acres.
Help make this land a home.

SB

56

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 9, 2005

FURTHER REFERRALS:

Date of Committee Action: 2-16-05

The FINANCE Committee considered:

CSSB 56(JUD)

CS FOR SENATE BILL NO. 56(JUD)

CRIMINAL LAW/PROCEDURE/SENTENCING

"An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date."

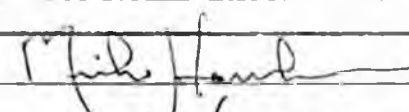
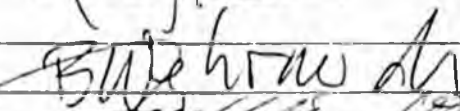
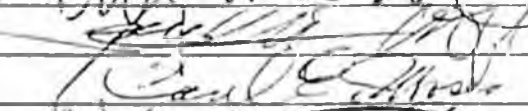
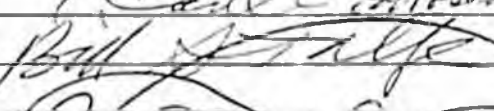

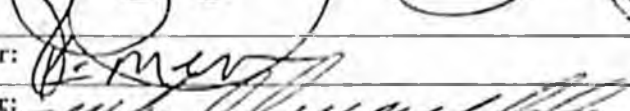
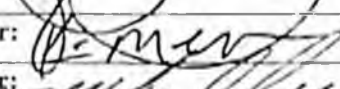

Recommends it be replaced with HCS or CS for SB 56 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
ADM			x	
COR				x
COR				x
ADM			x	
CRT			x	

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
LAW	1	3		x
DPS	4			x

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Hawkins	✓			
	Weyhraed			y	
	CROM	✓			
	MOSES	x			
	STORRE	x			
	FOSTER	x			
Chair: 	Mayer	x			
Chair: 	Chenault	x			

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HCS CSSB 56 (FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Criminal Sentencing BRU Alaska Court System
Component Appellate Courts
Sponsor Senator Therriault
Requester _____ Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 (Specify Type--Do not abbreviate)						
TOTAL

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
HCS CSSB 56 (FIN) makes several changes to felony sentencing laws. Generally, the bill replaces presumptive terms (a set number of years for a sentence) with presumptive ranges (a set range of years within which the judge may select the appropriate sentence). These changes represent a significant departure from long-established procedures. Past experience with other significant changes to the criminal justice system (in particular the ending of plea agreements in the 1970s and the rewrite of the criminal code in 1980) resulted in initial increases in court workloads as the entire system got used to the new practices. We anticipate a similar increase in workload following the passage of SB 56. However, the extent and duration of that increase is too speculative to support a fiscal note at this time.

Prepared by: Douglas Wooliver, Administrative Attorney Phone: 463-4750
Division: Alaska Court System Date/Time: 2/17/05 8:11 AM
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date: 2/17/2005
Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 56(JUD)
(S) Publish Date: 1/21/05

Revision Date/Time (Note if correction): _____ Dept Affected: LAW
Title "An Act relating to the content of indictments, sentencing, probation, and parole..." RDU CRIMINAL
Sponsor Senator Therriault Component CDCO
Requester Senate Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill modifies the laws governing the presumptive sentencing of felony offenders in Alaska, in response to *Blakely v. Washington*, a decision by the U.S. Supreme Court announced in June 2004. By careful amendment of Alaska's sentencing laws this legislation seeks to avoid the worst consequences of *Blakely*, which could prevent judges from considering all relevant factors in sentencing and causing undue complications in the criminal justice process. The Department of Law does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Kathryn A. Daughhete, Director
Division: Administrative Services
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General
Agency: Department of Law

Phone 465-5427
Date/Time 1/14/05 11:13 AM
Date 1/14/2005

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HCS SB 56 (JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An act relating to criminal law... RDU Legal and Advocacy Services
Component Office of Public Advocacy
Sponsor Sens. Therriault, Seekins, Greene
Requester House Finance Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends the criminal sentencing code in an attempt to comply with the U.S. Supreme Court decision in Blakely v. Washington. The Office of Public Advocacy's budget will be impacted, but it is not possible to predict with any accuracy the amount of the impact, therefore an indeterminate note is submitted. This legislation increases sentences across the board, adds some uncertainty to a defendant's sentences, and allows probationary sentences where they were not authorized previously. When sentencing consequences increase for criminal conduct, or uncertainty is added to the process, litigation necessarily increases. Because of the increased presumptive ranges, more cases will go to jury trial. Because of uncertainty in what a defendant may receive if he pleads, more cases will go to trial. Finally, more defendants who previously received a presumptive sentence without probation will receive sentences that include suspended time and probation and this will result in an increase in OPA appointments on petitions to revoke probation. The fiscal impact will be felt both with increased staff and contractor costs.

Prepared by: Joshua P. Fink, Director Phone (907) 269-3500
Division: Office of Public Advocacy Date/Time 2/12/05 12:00 PM
Approved by: Mike Tibbles, Deputy Commissioner Date 2/12/2005
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSSB 56(IUD)
(S) Publish Date: 1/21/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An Act relating to content of indictments RDU Alaska State Troopers
sentencing, probation and parole Component AST Detachments
Sponsor Senators Therriault
Requester Senate Finance Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Passage of this bill will have no fiscal impact on the Department of Public Safety. The expected increase in the number of arrests for this violation can be handled by available staff. Provisions of this bill will help enforce and insure that probationer's and parolee's are complying with their conditions. It also outlines a reasonable standard for arrest of probation/parole violations.

Prepared by: Lieutenant Todd Sharp Phone 907-269-4532
 Division: Alaska State Troopers Date/Time 1/21/05 9:06 AM
 Approved by: Commissioner William Tandeske Date 1/21/2005
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HCS SB 56(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An act relating to criminal law... RDU Legal and Advocacy Services
Component Public Defender Agency
Sponsor Sens. Therriault, Seekins, ...
Requester House Finance Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 (Specify Type--Do not abbrevi. (a))						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends the criminal sentencing code in an attempt to comply with the U.S. Supreme Court decision in Blakely v. Washington. The Public Defender Agency's operations will be fiscally impacted, but it is not possible to predict with any accuracy the amount of the impact, therefore an indeterminate note is submitted. The fiscal impact includes: 1) protracted litigation challenging the constitutionality of several aspects of this bill; 2) more defendants who previously received a presumptive sentence without probation will receive sentences that include suspended time and probation; this will result in an increase in PD appointments on petitions to revoke this new probationary sentence for violations of conditions of probation; 3) more cases will go to jury trial because of the increased, broad presumptive ranges and the uncertainty to a defendant's sentence.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-4416
Division: Public Defender Agency Date/Time 2/12/05 12:03 PM
Approved by: Mike Tibbles, Deputy Commissioner Date 2/12/2005
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HCS CSSB 56(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title An Act relating to criminal law and RDU Institutional Facilities
procedure, criminal sentences, and probation and parole Component Institution Director's Office
Sponsor Senators Therriault, Seekins
Requester Senate Judiciary Component No. 1381

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type-Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The bill modifies state law governing the presumptive sentencing of felony offenders in Alaska, in response to the United States Supreme Court decision, *Blakely v. Washington*. The legislation proposes to amend Alaska's sentencing laws to avoid the worst consequences of *Blakely*, which could make it difficult for judges to consider all relevant factors in sentencing, causing complications throughout the criminal justice process. The modified presumptive sentencing structure proposed in the legislation primarily will impact the process and not the end result of felony sentences. Department research demonstrates that the average unsuspended incarceration for first time Class B and Class C felony offenders and first time Class B and Class C sex felony offenders already falls within the mid-range of the new presumptive ranges set out in the bill. (continued)

Prepared by: Sharleen Griffin, Acting Director
Division: Administrative Services
Approved by: Portia Parker, Deputy Commissioner
Agency: Department of Corrections

Phone 465-4641
Date/Time 2/14/05 3:31 PM
Date 2/14/2005