

ALASKA LEGISLATURE

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(c) those who completed the program or left after a year or more of treatment. In addition to our primary outcome events (new sexual offenses), the table shows what percentage of the participants committed new crimes involving nonsexual violence. It should be noted that we avoided duplication in the table by using a hierarchical system for these data, that is, violent offenses were only counted if the individual did not have a new sexual offense.

The attrition in our RP group has complicated our analyses of treatment effects. For example, do we identify as our experimental group all participants randomly assigned to treatment or only those to whom treatment was delivered? Our solution to this problem was to collect recidivism data on all study participants, and then to test hypotheses in two ways, "treatment as assigned" and "treatment as delivered" (see Marques, Day, et al., 1994). In the first of these analyses, the randomization was preserved, and the RP group consisted of all individuals randomly selected for treatment, whether they entered the program or not. This was our broadly defined "intent to treat" sample. In the second analysis, only RP group members who actually participated in treatment were included, and the reoffense rates of those who received a substantial dose of treatment were compared with those who dropped out as well as those in the control groups. We expected that any conclusion regarding treatment effectiveness would be based on converging evidence from both of these tests.

Treatment as Assigned

This analysis compared the proportion of the RP intent to treat group who reoffended with the proportions who reoffended in the volunteer control (VC) and nonvolunteer control (NVC) groups. Because SOTEP participants had varying times at risk, recidivism incident data were analyzed using the LIFETEST survival rate analysis program (SAS Institute, 1999). In this procedure, time until recidivism, specifically the number of days between each participant's release from incarceration and the date of apprehension for a new offense, was the dependent variable rather than the simple presence or absence of reoffense. Although methods are sometimes used to adjust time-at-risk by subtracting temporary incarcerations for other offenses from total follow-up time, we essentially used calendar time until recidivism in our analyses. Specifically, each participant's reoffenses were tracked until (a) the end of our follow-up period (June 30, 2000), (b) the date of his death, or (c) the date he was incarcerated for a period of time that included the last date of follow-up.

Wilcoxon tests of the differences in the survival distributions across experimental groups failed to approach significance in the treatment as assigned analysis for both sexual reoffense, $\chi^2(2, N = 704) = 0.28, p = .870$, and nonsexual violent reoffense, $\chi^2(2, N = 704) = 0.66, p = .719$. For our primary outcome, sexual reoffense, the Kaplan-Meier display of the survival curves showed remarkably

Table II. Cumulative Failure Rates (Sexual Reoffense) Over 6 Time Gates

Group	Rate at given time gate					
	1 year	2 year	3 year	4 year	8 year	12 year
Relapse prevention < 1 year	21.4	28.6	28.6	28.6	28.6	35.7
Relapse prevention > 1 year	6.8	10.5	14.7	15.3	19.5	21.6
Volunteer control	6.2	10.7	13.3	16.0	19.1	20.0
Nonvolunteer control	5.5	11.4	13.2	15.9	18.2	19.1

Note. Relapse prevention includes all participants who were admitted to the treatment program.

similar patterns across all three groups, with reoffenses occurring steadily for the first 3 years after release, after which the rates of reoffense slowed, then almost leveled off at the 5-year point and beyond.

Treatment as Delivered

For this second comparison of the reoffense rates of our treated and untreated participants, we excluded the 55 men who dropped out before transfer to the hospital, and focused on the 204 in the RP group who had some treatment exposure. As Table I shows, these were further divided into two groups, those who left before 1 year and those who completed a year or more of the program. Wilcoxon tests of the differences in the survival distributions across experimental groups failed to reach significance in the treatment as delivered analysis for sexual reoffense, $\chi^2(3, N = 649) = 2.66, p = .448$. Kaplan-Meier survival curves appeared very similar across groups, except for the group of early treatment dropouts who demonstrated visually poorer survival times until sexual offending. As Table II demonstrates, early dropouts tended to reoffend in their first year after release. Because of the very small size of this group ($n = 14$), however, this difference was not statistically significant as was noted earlier.

When the outcome criterion was changed to nonsexual violent reoffense, the survival distributions of the groups were similar to those for the outcome of sexual reoffense. However, the pattern of early reoffense among the early dropouts was more pronounced, achieving statistical significance when time-until-violent offense was the criterion, $\chi^2(3, N = 649) = 8.76, p = .033$.

Treatment Interactions

Even without an overall treatment effect, it is possible that a subset of offenders did better with treatment than without. Our next set of analyses addressed this possibility, by examining the outcomes for offender subgroups. First, we calculated reoffense rates within the various types of offenders in our sample (molesters of females, molesters of males, molesters of males and females, and rapists), and

Table III. Sexual Reoffense Rates by Experimental Group for Various Offender Types

Group	Child molesters				
	All molesters	Female victim	Male victim	Male and female victim	Rapists
	% (n)	% (n)	% (n)	% (n)	% (n)
Relapse prevention	21.9 (32/146)	17.8 (16/90)	30.0 (12/40)	25.0 (4/16)	20.4 (9/44)
Volunteer control	17.2 (30/174)	14.2 (16/113)	22.7 (10/44)	23.5 (4/17)	29.4 (15/51)
Nonvolunteer control	20.6 (35/170)	14.8 (16/108)	37.2 (16/43)	15.8 (3/19)	14.0 (7/50)

Note. Relapse prevention includes all participants who completed at least 1 year of treatment.

compared these rates across the RP, VC, and NVC groups (see Table III). None of the observed differences between the treated and untreated groups approached statistical significance in either simple tests of proportions or in comparisons across survival distributions. It should be noted that the early dropout group was omitted in this and subsequent tables and analyses because of its small size, $n = 14$.

Next, we examined our results to determine if there were other subject characteristics that interacted with treatment, such as demographic variables or criminal history. To test for interactions we ran a logistic regression analysis with sexual reoffender (yes/no) as the dependent variable. In each equation, experimental group, a subject characteristic, and the group-by-subject characteristic interaction term were tested for significance. The subject characteristics entered in these equations were offender type (molester/rapist), age (under 40/40 plus), racial identification (White/non-White), prior MDSO status (yes/no), prior sexual offense felonies (yes/no), intoxicated at time of the instant offense (yes/no), physically injured victim (yes/no), and victim was a stranger (yes/no).

The interaction term was statistically significant in only one of these calculations, namely, intoxicated at the time of the offense, $\chi^2(1, N = 390) = 5.23$, $p = .022$. RP participants who were intoxicated at the time of the instant offense had a lower rate of sexual reoffense than RP participants who were not intoxicated (12.1% vs. 28.6%), whereas VC participants showed the reverse pattern (22.4% reoffense if intoxicated and 18.8% if not intoxicated). This significance, however, was eliminated when we applied a Bonferroni correction for multiple comparisons. A second test for interactions using Cox regression with survival hazard rate as the dependent variable yielded the same result as the logistic regression.

Severity of Reoffense

Our offense severity-coding data were used to examine qualitative differences in the reoffenses that were committed by individuals in our study groups. For these comparisons, a severe sexual offense was defined as one involving (a) sexual

penetration, (b) victim injury, (c) use of a weapon, or (d) incapacitation of the victim. We found that the VC group tended to commit more severe offenses than the RP or NVC groups, with the differences among the three groups being significant on two variables, sexual penetration, $\chi^2(2, N = 178) = 6.48, p = .039$ and victim injury, $\chi^2(2, N = 155) = 7.51, p = .023$. Again, however, applying Bonferroni corrections due to multiple tests had the effect of eliminating the significance of these two findings.

To explore the severity findings more closely, we focused on comparing the reoffenses of our RP group with those of the primary control (VC) group. Inspection of the data revealed that the RP group had a lower percentage of crimes that were rated as severe on three of the four indicators, sexual penetration (15.3% for the RPs vs. 33.3% for VCs), weapons (2.0% vs. 10.0%), and victim injury (7.6% vs. 14.6%). To avoid the multiple-tests problem and to more efficiently test these relationships we calculated a stepwise logistic regression in which offense severity variables were predictors and group was the dependent variable. In this equation two variables emerged as significant predictors, sexual penetration $\chi^2(1, N = 101) = 4.68, p = .031$, and incapacitation of the victim, $\chi^2(1, N = 101) = 4.85, p = .028$, with victim injury approaching significance, $\chi^2(1, N = 101) = 3.50, p = .062$. We also constructed composite measures of severity by combining the four indicators, but because the variables were not significantly correlated with each other this approach did not prove to be meaningful.

Main Effects Analysis with Covariates

Our matching variables (age, type of offense, and prior felony convictions) and randomization procedures were designed to create groups that were not significantly different from each other on important variables such as pretreatment risk. As noted above, however, we detected some differences in the experimental groups; for example, compared with the control groups, more of the RP participants were single or had a history of commitment as a mentally disordered sex offender. As a result, it has been necessary for us to conduct additional survival analyses to control for differences in pretreatment reoffense risk.

Although today's array of actuarial risk assessment instruments was not available when we designed our study in 1984, we did collect enough information on our participants to later score them on a shortened version of the Static-99 (Hanson & Thornton, 2000). It should be noted that the Static-99 combines items from the RRASOR (Hanson, 1997a) and the SACJ-Min (Grubin, 1998), and that an earlier panel of SOTEP data was used in the development of the RRASOR. Our adaptation of the Static-99, which we called "Static-Lite," included the following seven items from the Static-99: prior sex offenses, convictions for noncontact sex offenses, any unrelated victims, any stranger victims, any male victims, young, and never married.

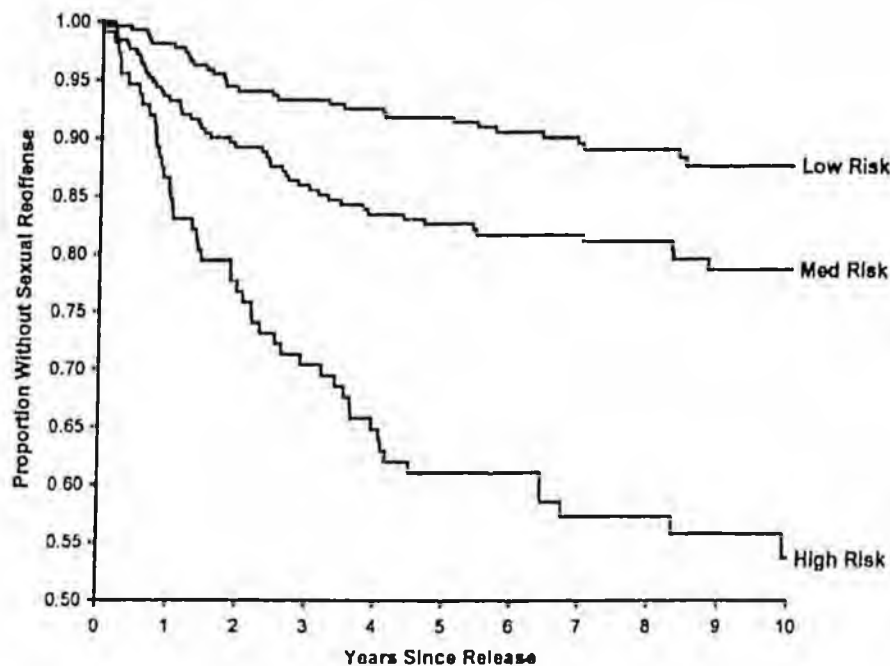


Fig. 1. Survival curves for groups differing on static risk (Static-Lite) scores.

Even though our sample did not include some of the highest risk offenders (e.g., those with three or more prior felony convictions), Static-Lite proved to be an adequate measure of risk, showing moderate predictive accuracy for sexual recidivism (ROC area = .68). As Fig. 1 demonstrates, there were clear differences in the rates of survival for high, medium and low risk individuals in our sample, $\chi^2(2, N = 635) = 54.9, p < .0001$.

Despite random assignment, the mean risk score of the RP group ($M = 2.25$) was significantly higher than the mean scores of the VC group ($M = 1.88$) and the NVC group ($M = 1.88$), $F(2, 635) = 3.71, p = .025$. To determine if this difference resulted from a nonrandom source, particularly attrition, we compared the Static-Lite scores of the various subgroups of offenders who were originally assigned to RP. No differences were found among the risk scores of the 167 treatment completers ($M = 2.28$), the 23 late dropouts ($M = 2.09$), the 14 early dropouts ($M = 2.21$), and the 55 individuals assigned to treatment who never showed up ($M = 2.11$), $F(3, 257) = .19, p = .904$.

As Table IV shows, when the groups were stratified by risk level, the RP group tended to have somewhat lower reoffense rates than the primary comparison group, the VCs. RP participants also appeared to fare better than NVC participants, with the exception of the medium risk group. In Table V, the reoffense rates of the two comparison groups have been adjusted to reflect what they would be if those

Table IV. Sexual Reoffense Rates for Different Risk Groups

Group	Risk group ^a		
	Low	Medium	High
	% (n)	% (n)	% (n)
Relapse prevention	11.0 (8/73)	21.6 (16/74)	39.5 (17/43)
Volunteer control	11.1 (11/99)	21.9 (21/96)	43.3 (13/30)
Nonvolunteer control	12.1 (12/99)	14.6 (12/82)	46.2 (18/39)

Note. Relapse prevention includes all participants who completed at least 1 year of treatment.

^aRisk groups were defined by scores on Static-Lite, an abbreviated version of the Static-99 (Hanson & Thornton, 2000). Low includes scores of 0-1, medium includes scores of 2-4, and high includes scores of 5 and above.

groups had the same higher risk scores that the RP group did. These adjustments were made by calculating the odds ratio associated with an increase by one point in Static-Lite score, then using observed Static-Lite group means to determine the amount of hypothetical recidivism-increase to add to the VC and NVC group means. When static risk was controlled for, the RP group appeared to have the lowest reoffense rate, but this difference did not approach significance in either a simple test of proportions or in a Cox regression equation testing the survival hazard rate of the RP group versus that of the combined control groups.

Because the research literature and particularly meta-analyses of sexual offender treatment studies often describe findings in terms of effect size, an analysis was also conducted to derive effect size of the recidivism comparison between the two most conservatively defined and randomly assigned groups after controlling for risk. Specifically, survival times until recidivism of the 259 offenders originally assigned to treatment and the 225 VCs were entered into a Cox equation after first entering Static-Lite score. The odds ratio for Assigned RP versus VC was .965, between 95% confidence limits of .650 and 1.433. This again indicates (nonsignificantly) lower odds of reoffending among the RP group after controlling for risk.

Further inspection of Static-Lite scores showed that risk was unequally distributed across types of offenders when viewed by experimental group. To

Table V. Sexual Reoffense Rates Adjusted^a for Static-Lite Scores

Group	n	Static-Lite M	Observed rate	Adjusted rate
Relapse prevention	190	2.25	21.6	21.6
Volunteer control	225	1.86	20.0	23.8
Nonvolunteer control	220	1.88	19.1	23.0

Note. Relapse prevention includes all participants who completed at least 1 year of treatment.

^aFor Static-Lite differences using odds ratio to compute hypothetical increases (or decreases) in recidivism given static risk differences in groups.

Table VI. Adjusted^a Sexual Reoffense Rates for Various Offender Types

Group	Child molesters				Rapists (%)
	All Molesters (%)	Female victim (%)	Male victim (%)	Male and female victim (%)	
Relapse prevention	21.9	17.8	30.0	25.0	20.4
Volunteer control	21.3	16.4	33.2	22.9	30.2
Nonvolunteer control	24.4	17.5	42.8	16.5	17.2

Note. Relapse prevention includes all participants who completed at least 1 year of treatment.

^aFor Static-Lite differences using odds ratio to compute hypothetical increases (or decreases) in recidivism given static risk differences in groups.

investigate the extent to which risk may have affected results within offender type, we calculated adjusted recidivism rates for each offender type and experimental group in the same way we made hypothetical adjustments for main effects, specifically by using odds ratios to compute expected group recidivism rates given observed Static-Lite scores. Results (Table VI) show that these adjustments changed the picture of relative recidivism rates within offender types when compared with the observed (unadjusted) recidivism rates that were presented in Table III. However, tests of the differences across experimental groups in (adjusted) proportions of reoffenders found none approaching statistical significance.

RP Group Analyses

We conducted several sets of analyses on our RP group only, to examine the relationship between treatment progress and reoffense. We first examined whether our in-treatment measures were useful in predicting outcomes (sexual reoffenses). Next, we determined whether offenders with higher initial needs in areas that our program was designed to address had better outcomes than those with lower needs. Finally, we analyzed the extent to which participants who met treatment goals had better outcomes than those who did not.

In-Treatment Measures

Our first set of analyses was conducted to update our preliminary work (Marques, Nelson, et al., 1994) on the relationships between treatment measures and recidivism. As in the earlier study, we focused on a small set of in-treatment measures that were related to the SOTEP goals of having participants show (a) increased personal responsibility and decreased use of justifications for sexual abuse, (b) decreased deviant sexual arousal, and (c) an understanding of and ability to apply the techniques of RP. The measures we used were from two tests administered pre- and posttreatment (the MSI and a phallometric assessment) and

from two posttreatment only tests (both of which were clinician ratings of RP skills).

Pre-post comparisons were made on two scales from the MSI (the Justifications scale and the Cognitive Distortions and Immaturity scale) and on three indicators of deviance from the phallometric assessment (arousal to stimuli depicting female children, male children, and rape). The mean scores on both MSI scales were significantly lower at discharge than at intake; for Justifications, $t(168) = 5.55, p < .0001$ (one-tailed), and for Cognitive Distortions and Immaturity, $t(168) = 4.78, p < .0001$ (one-tailed). Significant pre-post changes were also found on the mean phallometric responses to stimuli of female children, $t(170) = 9.31, p < .0001$ (one-tailed); male children, $t(170) = 6.76, p < .0001$ (one-tailed); and rape, $t(170) = 8.14, p < .0001$ (one-tailed). Bonferroni corrections for multiple tests were applied to these pre-post comparisons; all reported in this paragraph remained significant at $p < .001$.

The relationship between our in-treatment measures and reoffense was examined by comparing the in-treatment scores of participants who sexually reoffended with those of participants who did not sexually reoffend. On the pretreatment measures, the scores differed significantly on only one measure, arousal to male children, $t(189) = 2.61, p = .005$ (one-tailed), with reoffenders having the higher scores. On the posttreatment measures, reoffenders had higher scores on two phallometric measures, arousal to male children, $t(163) = 2.73, p = .004$ (one-tailed), and arousal to female children, $t(163) = 1.70, p = .046$ (one-tailed). Neither the MSI scales nor the clinician ratings of participants' RP skills (see next section for more on these ratings) differentiated between reoffenders and those who did not reoffend. Bonferroni corrections for multiple tests applied to the statistics in this paragraph had the effect of eliminating the significance of posttreatment arousal to female children as a predictor of sexual reoffense. Pre- and posttreatment measures of arousal to male children remained as significant predictors of reoffense at $p < .05$.

Treatment Subgroups

In our final set of analyses, we identified several clinically relevant subgroups and determined how they responded to treatment. The three groups we were particularly interested in were treated individuals who (a) had the treatment needs that our program addressed, (b) learned the RP skills taught in the program, or (c) reached the program's overall treatment goals.

For the first analysis, we used our pretreatment measures to create a simple additive scale of 8 items designed to measure the participant's level of need. It should be noted that this "Need It" scale was developed a priori on the basis of our program's treatment targets rather than a posteriori on the basis of findings. Points were given for one item from our motivational questionnaire (subject blames others

for offending); three phallometric scores (arousal greater than 20% to stimuli of boys, girls or rape), and four MSI scores (above our sample median on Justifications, Cognitive Distortions and Immaturity, Child Molest or Rape scales). When the Need It scores of sexual recidivists were compared with those of nonrecidivists, no significant difference was found, $t(188) = -.09$, $p = .466$ (one-tailed). We also defined a "Needed It" subgroup (those with scores above 4) and compared their sexual reoffense rates with those of participants with fewer treatment needs. These rates, 20.7 and 25.4% respectively, did not differ significantly.

For the second analysis we divided our treatment group on the basis of how well they learned the RP model. Near the end of their hospital stays, participants completed two written RP exercises, a Decision Matrix (DM) that examined the consequences of offending versus abstaining, and a Cognitive-Behavioral Chain (CBC) that described the series of steps leading to their offenses and how they could intervene. These products were rated by the participant's primary clinician on a 7-point scale with 7 representing *highest quality*. We then defined High DM and High CBC subgroups as including individuals who scored above the mean on each of these measures. Sexual reoffense rates were very similar for High DM (20.3%) and Low DM (22.2%) participants. Although High CBC participants reoffended at a somewhat lower rate (16.9%) than did the low scorers (22.4%), this difference also failed to approach significance.

We also investigated the possibility that relationships between DM and CBC scores and reoffense depended on a participant's level of risk. Inspection of the data suggested that at least among high risk offenders, High CBC scorers had a lower reoffense rate (17.6%) than did Low CBC scorers (58.3%). However, Cox regression equations investigating the effects of DM, CBC and risk level on survival hazard rate revealed no statistically significant effects due to DM score, CBC score, or their interactions with Static-Lite.

In the third analysis, we created a priori another simple additive scale, in this case a 9-point scale designed to identify participants who derived benefit from the program or basically "got" the treatment we provided. Items in this "Got It" scale were from posttreatment measures that were relevant to our treatment program goals. Points were given for three phallometric scores (arousal greater than 20% to stimuli of boys, girls or rape), four MSI scores (above our sample median on Justifications, Cognitive Distortions and Immaturity, Child Molest or Rape scales), and the two RP ratings (below the mean on our CBC and DM measures). In this scale, because points indicated deviance or a lack of RP skills, low scores indicated a better treatment response.

When the Got It scores of sexual recidivists were compared with those of nonrecidivists, no significant difference was found, $t(156) = -1.34$, $p = .092$ (one-tailed). However, when Got It scores were used to divide RP participants into "Got It" and "Did Not Get It" subgroups on the basis of a median split ($< 3 = \text{Got It}$), the difference in recidivism rates of the two groups (13.5 and 27.2%

Table VII. Sexual Reoffense Rates for RP Participants Differing on Static Risk and Treatment Progress

Got It? ^a	Static-Lite score			Overall rates % (n)
	Low	Medium	High	
	% (n)	% (n)	% (n)	
No	16.2 (6/37)	21.0 (8/38)	50.0 (14/28)	27.2 (28/103)
Yes	4.6 (1/22)	25.0 (5/20)	10.0 (1/10)	13.5 (7/52)

^a"Got It" scale included nine scores related to program goals, with scale scores above the sample mean indicating treatment progress.

respectively) approached significance, $\chi^2(1, N = 155) = 3.72, p = .054$. Further examination of this trend revealed that the relationship between our measure and sexual reoffense was not consistent across our three static risk groups. As Table VII shows, high-risk offenders who Got It reoffended at a significantly lower rate (10.0%) than did those who failed to reach treatment goals (50.0%), $\chi^2(1, N = 38) = 4.93, p = .026$ ($p = .028$, one-tailed, when Fisher's exact test was applied because of at least one cell having an expected count less than five). The differences in recidivism between those who Got It and those who did not failed to approach significance within the medium and low risk groups. However, in a Cox regression equation testing the effects of Got It and risk group on survival hazard rates Got It was a statistically significant predictor of time until reoffense, $\chi^2(1, N = 160) = 3.99, p = .046$, with the effect of risk level, $\chi^2(1, N = 160) = 7.26, p = .007$, also in the equation and thus "controlled."

Finally, examination of our Got It subgroup revealed that the predictive value of Got It was largely accounted for by the child molesters in our treated sample. Among rapists, the relationship between Got It and reoffense rates did not approach significance. Among molesters, however, those who Got It reoffended at a significantly lower rate (9.3%) than those who Did Not Get It (31.3%), $\chi^2(1, N = 126) = 7.57, p = .005$.

DISCUSSION

Unlike most outcome studies of "current" treatments (see Hanson et al., 2002), we did not find an overall treatment effect for our cognitive-behavioral treatment program. Sexual offenders who were randomly assigned to our hospital-based RP program did not reoffend at a lower rate than those who were randomly assigned to the in-prison control groups. This was the case for both rapists and child molesters, and for low-risk offenders as well as high-risk offenders. A number of comments on this outcome have already been offered, including the straightforward conclusion that SOTEP (along with other random assignment

studies) simply does not support the effectiveness of treatment for adult sexual offenders (Rice & Harris, 2003). In the context of growing optimism about the benefits of sexual offender treatment, this study's message is, "Not so fast, we are still far from understanding how and when treatment works."

Although we accept that this simple cautionary note may be SOTEP's "take home" message, we also believe that it is important to examine this study closely and explore possible explanations for its null results. We started this examination with a review of our study design. In the ideal test of treatment, the only difference between the treatment and control conditions is the intervention. In SOTEP, however, the experimental conditions differed in several ways other than the presence or absence of the RP program we were testing. Most importantly, the RP group lived in a hospital, whereas both control groups lived in prison. In the state hospital, offenders were surrounded by sexually deviant peers and therapeutic staff who expected them to openly discuss their crimes and deviant interests. In prison, control group participants most likely hid their backgrounds and were surrounded by people who were highly intolerant of sexual deviance. As a result of such differences in experimental conditions, SOTEP cannot be viewed as a "pure" test of treatment but rather as a more complex comparison of treatment in a state hospital setting versus confinement in a prison setting.

The randomized experiment is considered the gold standard in program evaluation, and is the design least likely to result in groups that differ in systematic ways. Randomization does not, however, guarantee equivalent groups. In our case, men assigned to the RP group tended to be higher risk than those assigned to the control conditions. It is possible, though unlikely, that random variation also resulted in an RP group that was less motivated or more sexually deviant in ways that our data were not sufficient to test.

Given that we were taking a new (in 1984) treatment model for addictive behaviors and applying it to a different group of clients, we decided to screen our study participants. For example, we did not accept individuals who categorically denied their offenses or had substantial criminal careers (three or more prior felony convictions). The criminal history screening no doubt eliminated some of the highest risk offenders from our study, resulting in a rather low base rate (20%) of sexual reoffending as well as a relatively small group of high-risk offenders for us to treat. It may be that our intervention was too intense for our group of mostly low to medium risk offenders. Some (e.g., Hanson, 2000; Nicholaichuk, 1996) have even suggested that intensive treatment may make low-risk offenders worse. It should be noted, however, that we also screened out the lowest risk group (those who molested only their biological children), and that we did not find that treatment made any subgroup of offenders more likely to reoffend.

One other aspect of our study design that may have affected the results is our management of attrition. To minimize this problem, we made an effort to keep RP participants in the program once they began treatment. We did not require

them to demonstrate motivation, fully engage in treatment, or show improvement to stay in the program. The only individuals who were terminated from treatment were those who presented severe management problems at the hospital. As a result, we had some participants who were quite comfortable just "programming," attending treatment activities but not really making the commitment to change that is important to the RP model (Marques, Nelson, Alarcon, & Day, 2000). SOTEP's minimal standard for treatment completion resulted in a low treatment dropout rate (18%) that is in sharp contrast with the rate in programs that set more rigorous performance standards, such as the 50% noncompletion rate reported by McGrath et al. (2003) in their RP program. It is possible that our results reflect in part our willingness to retain individuals with low motivation or performance.

The most obvious place to find explanations for our results is not in the study's design but in its treatment program. Twenty years ago the RP model was new and promising, and adapting it for use with sexual offenders trying to avoid relapse made a great deal of sense. Using RP as our framework, we designed a program that included the components found in programs at that time (e.g., sexual arousal modification, cognitive restructuring, social skills training, victim empathy, stress and anger management), and organized these around a core RP treatment group that focused on the individual's offense patterns, risk factors, and skills needed for avoiding relapse. We also included an aftercare component to help participants maintain treatment gains after discharge from the hospital.

Although this basic RP approach is still popular and considered "current" treatment in the field, in several ways our program did not reflect today's state of the art. First, because we only accepted individuals who admitted their offenses and volunteered for treatment, we did not emphasize the need to build and maintain motivation. As an RP program we were focused on the maintenance stage of behavior change, and our interventions were designed to provide skills participants could use to anticipate and avoid relapse. SOTEP did not have a treatment readiness phase or other components (such as motivational interviewing; Miller & Rollnick, 1991) designed to prepare individuals to change and to engage them in treatment. We also did not target the decrease in motivation that some treated offenders show after release to the community (Barrett, Wilson, & Long, 2003). We learned from interviews with reoffenders that a number of our treatment failures did not use the self-management skills they had acquired in the program, and some did not even accept the basic goals of self control and relapse avoidance (Marques et al., 2000). As Mann (2000) has pointed out, RP is unlikely to be successful with clients who do not accept its goals, model, and methods.

Our program included individual sessions and some prescriptive components (such as sexual arousal modification and substance abuse treatment), but most interventions were provided in groups by therapists using treatment manuals. Although manualized treatments enhance program integrity, they have the disadvantage of limiting the extent to which interventions are based on individual case formulations and treatment plans (Hollin, 2002). When asked about this, SOTEP

clinicians indicated that our highly structured approach did not allow them to do more intensive work with participants who needed it, such as those who were not committed to change or needed more sessions to practice coping skills (Marques et al., 2000).

Although we viewed each participant's RP program as "individualized" (on the basis of his offense chain and risk factors), core RP group sessions were essentially the same for all participants. Membership of the core groups was mixed, with most having molesters and rapists as well as individuals with different levels of risk, need and treatment involvement. It is possible that having some unmotivated and highly deviant members present may have negatively affected the engagement and expectations of other group members. Group diversity may also have limited the extent to which interventions were modified for different types of offenders. For example, we did not distinguish between "avoidance goal" molesters (who see molesting children as a problem behavior they want to stop) and "approach goal" molesters (who hold positive views regarding sex with children) (see Ward & Hudson, 1998, 2000), or adapt RP interventions to fit these different offense pathways (Bickley & Beech, 2003).

One important way that SOTEP differed from most current programs is that discharge was unrelated to treatment progress or perceived reoffense risk. We used in-treatment measures but these played no role in determining when a participant was released to the community. In fact our mandate (California Laws, 1982) required that the length of an offender's sentence was not to be affected by his participation in the program. On the positive side, this requirement helped us avoid the problem of individuals "faking good" to get released earlier. On the negative side, there was no pressure on participants to engage fully and actively pursue treatment goals. Although it is difficult to assess the importance of this factor, most current programs do provide clear external incentives for offenders to participate and advance in treatment (Seto, 2002).

Our aftercare component, SOAP, has been criticized for being too intensive (Marshall & Anderson, 2000), but in our view it was too circumscribed. For one year after their release, RP group members were under standard parole supervision by the Department of Corrections and were seen twice a week by a SOTEP-trained clinician in group or individual sessions. These treatment providers were encouraged to communicate with parole agents, but this was not required unless the participant failed to attend treatment sessions. SOAP did not include maintenance polygraph examinations, GPS or other surveillance techniques, medications for individuals experiencing deviant arousal, or social and supportive services. It provided some continuity of care, but clearly fell short of the interdisciplinary, individualized, case management model of aftercare that is now recommended (Prentky, 2003). Although it has not been rigorously tested, this "containment approach" (English, 1998) represents the current thinking in the field (Association for the Treatment of Sexual Abusers [ATSA], 2004; California Coalition on Sexual Offending, 2001; Center for Sex Offender Management, 2000; Colorado

Sex Offender Management Board, 1999). As we learned in interviews with our treatment failures, a number of RP participants were facing high-risk situations soon after entering the community (Marques et al., 2000). It is possible that added surveillance and teamwork could have prevented some of these early failures.

In addition to comparing our program to current best practices in sexual offender treatment, we have examined it from the broader perspective of offender rehabilitation, or the "what works" literature (Gendreau & Andrews, 1990; Lösel, 1995; McGuire, 2002). Andrews and Bonta (1998, 2003) have provided a clear framework for this examination. They have determined that effective programs meet three principles: (a) *risk* (they treat higher risk rather than lower risk cases), (b) *need* (they target dynamic risk factors), and (c) *responsivity* (they use powerful behavior change strategies). First, SOTEP did not focus on high-risk offenders. Second, our treatment targets included some (e.g., deviant sexual arousal and cognitive distortions) but not all of the established dynamic risk factors for sexual offending. Finally, the program was based on cognitive-behavioral interventions and thus adhered to the general responsivity principle. At best, then, SOTEP was consistent with two of the principles; a more stringent view would be that it met only the responsivity principle. According to Andrews and Bonta (2003), programs adhering to all three principles can expect a 26% reduction in recidivism; those following two principles an 18% reduction, and those adhering to one component only a 2% reduction. From this perspective our null result is not at all surprising. Although hindsight based on currently available concepts cannot improve SOTEP results, the risk-need-responsivity model provides a framework that can be used now to build more effective treatment programs for sexual offenders.

SOTEP's 1984 treatment model may have fallen short of today's state of the art in some areas, but in others it was quite up to date, for example, our measurement of treatment progress. We found some interesting and encouraging trends in the data from our in-treatment measures, most importantly that RP participants who "got" treatment (had good posttreatment scores on a simple additive scale) reoffended at lower rates than those who didn't. This difference was significant for child molesters (over three quarters of our sample) but not for rapists, a finding that may reflect our scale's emphasis on deviant sexual interests. It also suggests that a one-size-fits-all measure of treatment progress should not be used with diverse groups of offenders.

Our "Got It" scale was also a significant predictor of sexual reoffense for the high-risk offenders in our sample. Within that subgroup, individuals who didn't "get" the treatment had a much higher sexual reoffense rate (50%) than those who did (10%). Although this finding was based on a small ($n = 36$) subgroup of treated offenders, it is consistent with other recent studies in which assessments made during or after treatment have been found to increase the accuracy of reoffense predictions made by actuarial assessments alone (Beech, Fisher, & Thornton, 2003; Beech, Friendship, Erikson, & Hanson, 2002; Thornton, 2001). It is also similar

to the finding reported by Langton, Barbaree, Seto, Harkins, and Peacock (2002) that their high-risk (psychopathic) offenders with poor treatment behavior had the highest risk of recidivism. In a broader sense, our results are supportive of the field's current emphasis on the measurement of dynamic factors that predict reoffense (Hanson & Harris, 2000) or indicate treatment benefit (Mann & Thornton, 2000; Thornton, 2002).

Because "Got It" was composed of ad hoc measures and was not cross-validated, we do not recommend this home-grown measure for use elsewhere. We do, however, encourage others studying treatment outcomes to include relevant in-treatment measures in their designs. Standardized, empirically-validated measures of treatment progress are badly needed in this field to enhance our ability to understand the relationships between short-term and long-term treatment effects.

Although SOTEP was most concerned with measuring the effects of treatment, our strongest findings were in the area of static risk factors. Even our shortened version of Hanson and Thornton's Static-99 (2000) turned out to be a powerful predictor of sexual reoffense risk and an important covariate in our analyses. To avoid potentially misleading distortions in study results, we urge researchers who plan to assess the effects of treatment to control for prior risk by using an appropriate actuarial measure for both treatment and comparison groups.

The most important safeguard against misleading results, however, remains a randomized design. Some (e.g., Hanson, 1997b) have argued against investing heavily in longitudinal studies of small, innovative programs such as SOTEP, suggesting that it is probably more productive to conduct a range of less elaborate studies that can be combined to yield sound evidence regarding treatment effects. Although we have also encouraged real-world programs to collect outcome data and contribute to our developing knowledge base on treatment effectiveness (Marques, 1999), we do not agree that this is all that is required. Our results underscore the importance of including adequate comparison groups in treatment outcome studies. It may be difficult to obtain funding and to conduct randomized clinical trials but we strongly believe that more of these are needed to move this field forward.

If we were to design a new test of treatment now, we would do some things differently than we did 20 years ago. We would make sure that the program (a) had treatment intensity and content that were tailored to offenders' risk levels, treatment needs and responsivity factors; (b) regularly monitored progress toward treatment goals to make sure that participants were "getting" the treatment provided; and (c) had an aftercare component based on an individualized, interdisciplinary case management model, not just on therapy sessions. We would also make some changes in the study design, such as (a) including more high-risk offenders; (b) conducting pretreatment assessments on all participants; and (c) increasing the sample size to shorten the follow-up period needed. We would not, however, design a study with a less rigorous evaluation component than

SOTEP. Questions about whether and when sexual offenders can be treated are extremely important, not just to our field but to victims, policy makers and the public. The only way to provide answers with confidence is to build a knowledge base on thoughtful and well-controlled studies of treatment effectiveness.

ACKNOWLEDGMENTS

SOTEP was supported by the California Departments of Mental Health and Corrections, and by Grant R01 MH46391 from the National Institute of Mental Health. This ambitious project was truly a collaborative effort and we are indebted to many who contributed to it over the years, including our research personnel, the treatment teams at Atascadero State Hospital, our aftercare providers and the men who served as our treatment and control group participants. Guidance was provided along the way by many colleagues, including James Breiling, Del Elliott, Mark Lipsey, Alan Marlatt, Vernon Quinsey, and Mark Weinrott in the early years, and more recently by Karl Hanson and David Thornton. We also received helpful comments on a draft of this paper from Mark Chaffin, Robert Prentky, and Marnie Rice. The views expressed are those of the authors and do not necessarily reflect the positions of the California Department of Mental Health or Atascadero State Hospital.

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21 January 2006

Mr. Robin W. Swartz
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To the Honorable:

Frank Murkowski	R	Governor
Senator Kim Elton	D	Juneau
Representative Beth Kerttula	D	Juneau
Representative Bruce Weyhrauch	R	Juneau

As the House and Senate debate the issue of Sexual Crimes against our children and punishment for the sex offenders, I would like you to consider the following for offenses against a child under the age of 13 for rape, sodomy, forced sexual acts, molestation and other like crimes.

For the first offense a mandatory sentence of incarceration should be set between an absolute minimum of 25 years to a maximum of 40 years.

In Alaska we had the case of a Wasilla man convicted on five counts of sexually abusing his girlfriend's daughter from the time the girl was 9 until she was 15. In cases that show a child was sexually abused repeatedly, or abused for years, or when multiple children were sexually abused by the same individual; a set of special penalties should be attached to the crime. Even if this is the first time the offender was caught, the repeat offenses are already committed. Second offense penalties should be mandatory with the sentence of 40 years at a minimum to life imposed. We also must assure that the first sex crime does not have to be in Alaska for the 40 year minimum to be imposed.

We have the highest rate of sexual crimes for the nation. We should all be ashamed. We also have a duty to fix this situation and show sexual offenders that they are not welcome in Alaska.

Another way to protect our children is to have a law against convicted sexual predators coming to Alaska without the approval of the state and or registering with the state before coming here. This should include tourists visiting Alaska as well.

Penalties for being present in Alaska while a registered sex offender, or convicted and not registered, from anywhere in the world — without state knowledge and prior approval — should be a minimum of 2 to 5 years at hard labor and expulsion from the state. If the intent was to hide and repeat offend in Alaska — to include possession and trafficking in child pornography — then up to 10 years should be added to any conviction for a sexual offence with the minimum of 5 years imposed — 2 to 5 of those years at hard labor, then expulsion from Alaska. A seizure of all assets should be considered as well.

Those presently hiding in the State when this law is passed and haven't committed any other sex crime should have thirty days to register and face expulsion from Alaska, if wanted in another state or country. Those found after the thirty days may expect the whole of the law to be applied regardless of when they came to Alaska.

If a person is convicted of a first offense and sentenced as a first time offender, then later it is discovered that the individual was convicted of a prior sex crime, a 40 year minimum sentence is automatically imposed unless a prosecutor requests a new sentencing hearing to seek more than 40 years. An additional 5 to 10 year add on sentence — with 2 to five years at hard labor — for being a convicted sex offender hiding in Alaska, would also be imposed if the offender was not registered with the state.

I like the proposed polygraph test for released offenders and would suggest internet re-registration with the state once a month as well. I am not opposed to treatment for the offender and hope it helps, but the best answer is to stop the cycle of these sex crimes.

Often offenders were abused children. Many victims go on to a life of drug use and a life of misery. In the case of young girls, many end up prostituting on the streets and often it's to get money for a drug addiction. Young boys have also ended up in a life of prostitution as well. Instead of providing treatment and rehabilitation at state expense for these victims, I propose that all assets in the abusers name be seized to provide for the treatment of the victims. Discretion must be observed and care taken to ensure the seizure of assets does not put the innocent at risk. Then I feel the state should continue treatment after the seized assets are exhausted.

We have the largest state in the union and there are vast areas where someone could hide a child and their activities. Then they could commit their egregious behavior against our children in relative solitude. When I hear of a missing child in Alaska or even a runaway child, I shudder to think what could be happening in our state.

First and most important, the child victim must know that the person or persons who harmed them will never be able to harm them or any other child again during their childhood. Also we must allow a generation of children, from those born at the time of sentencing, to have a childhood free from those individuals. We owe them that.

We will not solve this problem in society. If however, we protect our children, we will start to see generations of children not having to fear shadows, and then I think we will produce a generation enlightened enough to solve this problem. We owe them that chance and until then we must aggressively protect them.

Robin W Swartz

Cc: Sen. Con Bunde, R-Anchorage
Sen. Gretchen Guess, D-Anchorage,
Rep. Mark Neuman, R-Big Lake
Bill O' Reilly Fox News

Constance Hartle

From: Dealy Blackshear [blackie_son@yahoo.com]
Sent: Sunday, January 29, 2006 1:20 PM
To: Sen. Con Bunde
Subject: sex offenders

Dear Sen. Bunde,

I am a clinical social worker in Nome. I have been fortunate to work in ten of this region's villages, and come to know many of the people and here and their problems quite well. I applaud the efforts you're making to extinguish the sex abuse problems in the state. Your aim is true and you are right on target. May I add some thoughts to your quiver.

At Anvil Mountain Correctional Center, prisoners are informally placed in units where other members or their family are kept. Incarceration is a nuisance, not a punishment.

In one case I know of, a man fondled seven little girls at an elementary school where he worked. He was charged with six. He was offered a plea bargain on one count. The little boys in the villages see that old uncle Joe did this thing or that thing to little girls, and came home in 18 months, or 26 months or 90 days. This is no way to train the boys to refrain.

One of my clients was raped by a non-relative in her bedroom repeatedly from the time she was 11 until she was 14. He threatened to kill her family if she told. At age 14, her mother asked finally why she kept coming to sleep with mom and dad at her age. She told. The man was imprisoned. He got out and raped someone else. He was imprisoned again. He got out and raped again. He was imprisoned a 3rd time. This time when he got out, the village prohibited him from coming back. The woman now 25 years old, sought counseling for major depression. She sleeps with a light on and a chest of drawers in front of the door. After ten years the man came home. The now 27 year old woman saw him on the street in her village, and he waved and smiled broadly at her. She moved out of the village. Prison does not help.

We need to change the focus from punishing the offender, to protecting the victim. Please consider the following suggestions:

Any person convicted of a sex crime, may not reside, visit or pass through any village, town or area where the victim of that sex crime lives. That convicted person may not place himself or herself within 25 miles of that victim. If the victim of that crime was a minor at the time of the offense, this distance prohibition is in effect until that victim reaches age 31. If that victim was age 21 or over, that convicted person must maintain that distance for a minimum of ten years. Upon expiration of that distance prohibition, the victim of that sex crime has the right to freedom from intimidation in any manner from that convicted person. Upon proof of intimidation, in addition to any penalties incurred as a result of that intimidation, the distance prohibition shall be extended for 2 years.

Stalking

Any person convicted of stalking the victim of a sex crime, if that convicted person is proven to be family or friend of a person convicted of a sex crime against that victim, or in any way intimidates that victim, that person shall be incarcerated for a minimum of 90 days, and shall forfeit the PFD for one year.

For the person furnishing information leading to the conviction of that person committing the stalking

offense, half the forfeited PFD shall be given as a reward.

Any person convicted of a sex crime, may not possess, borrow, rent, shoot, repair, load, handle, touch or in any other manner use a firearm. For that convicted person that does possess, borrow, rent, shoot, repair, load or in any other manner use handle or touch a firearm, that crime is punishable by two years in prison, per occurrence.

Any person that allows a person convicted of a sex crime access in any manner to a firearm, that person is guilty of a felony, punishable by one year in prison.

Any person aged 21 or over convicted of a sex crime against a minor is guilty of a felony, punishable by a mandatory incarceration minimally not considered completed until the victim of that crime has reached age 21. That convicted person shall forfeit PFD for 20 years.

For the person furnishing information leading to the conviction of that person committing the sex offense, one quarter of the forfeited PFD shall be given as a reward.

Any person convicted of a felony sex crime against a minor regardless of perpetrator's age, must serve a minimum incarceration of two years, and forfeiture of PFD for 20 years.

For the person furnishing information leading to the conviction of that person committing the sex offense, one quarter of the forfeited PFD shall be given as a reward.

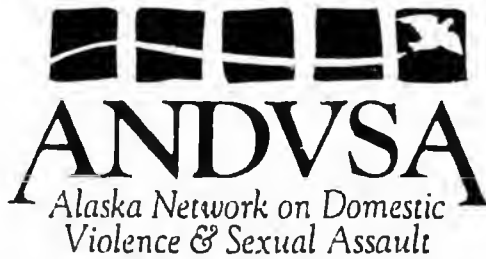
The local communities have difficulty policing sex offenders- every sex offender is someone's son, cousin, uncle, nephew, brother or father. Every woman wants protection from the molester in another family clan, but they do not want their own daddy or son sent away. Victims are routinely ostracized and harrassed for complaining when they are victimized. It will be up to society as a whole (the state) to legislate and protect people that cannot protect themselves.

Thank you for taking the time to read my email. If I can be of any assistance, please don't hesitate to contact me.

Dealy Blackshear LCSW

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January 30, 2006

The Honorable Senator Con Bunde
State Senate
Alaska State Capitol
Juneau, AK 99801-1182

Dear Senator Bunde:

The Alaska Network on Domestic Violence & Sexual Assault is a coalition of member shelter and community based programs across the state who provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to offer you our support for Senate Bill 218 – An act which requires persons on probation for a sex offense to submit to regular periodic polygraph examinations; increases presumptive ranges for 1st, 2nd, 3rd degree sexual assault or sexual abuse of a minor, incest, indecent exposure in the 1st degree, possession of child pornography, or attempt, conspiracy, or solicitation to commit sexual assault or sexual abuse of a minor in the 2nd degree, unlawful exploitation of a minor or distribution of child pornography; specifies the penalty for failing to report a convicted sex offender.

We appreciate your guidance and leadership in addressing these heinous crimes that wreak havoc on the lives of Alaskans and their children through the generations. It speaks to the fact that Alaska is willing to get tough on these crimes. We cannot merely be informed by the statistic that we are number one in the nation for reported sexual assaults; we must act. It is time we increase sentencing to hold offenders and those who remain silent about them accountable. We fully endorse a containment model of continuous polygraphing of convicted sex offenders.

If I can be of further service to your endeavors, please let me know.

Sincerely,

Peggy Brown
Executive Director

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC
Homer SPHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

Constance Hartle

From: Vivian Geroux [stuckupnorth@gmail.com]
Sent: Saturday, January 21, 2006 5:23 PM
To: Sen. Con Bunde
Subject: concerning sex offenders

Dear Mr. Bunde,

I am writing out of extreme concern regarding so many sex offenders out in our neighborhoods. It is frightening to know that a person would commit such crimes--but more frightening to me is that once is not enough to keep them locked up and away from society. Most are let out again and become "repeat offenders" This is unacceptable. I will not pretend I know any laws in specific regarding sex offenders because I do not. I am shocked, however, to know the nature of these crimes against the innocent entail so little punishment. As a greatly concerned parent, a good citezen and a registered voter in your district, I am educating myself on this crucial issue and hope to make a difference by excersising my voting right. It is my hope and prayer that a mai. in your position would take this matter very seriously and do all that you can to put a stop to these horrific crimes against the innocent. Please do not delay--you have my support in backing stricter laws along with thousands of other people. I thank you for your service in our community and state and for taking the time to read this.

Sincerely, Vivian Geroux

Constance Hartle

From: robin swartz [robinprime@yahoo.com]
Sent: Sunday, January 22, 2006 9:16 PM
To: Sen. Con Bunde
Subject: Public Opinion Message



Public Opinion
Message 21 Janu...

Senator Bunde

I have written a letter to my Representatives here in Juneau regarding stiffer penalties for sex offenders.

Because you are sponsoring a bill in this area i have also attached a copy for your information and consideration Thank You Robin W Swartz

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

Constance Hartle

From: April Warwick [analw2@uaa.alaska.edu]
Sent: Thursday, January 26, 2006 12:46 PM
To: Sen. Con Bunde
Subject: Wanting to help

Hello Con Bunde:

My name is April Warwick. In the Anchorage Daily News, I saw an article stating your plans to create stricter laws for individuals who sexually abuse children. I'd like to encourage you to continue your work, it's well needed. Personally, I think offenders of children should get mandatory life sentences. This is an issue I want to work on more in the future and I'm looking for ways I could be helpful. Is there anything I could do to help you? Are there any groups working on this issue that I could work with?

April Warwick
5716 Kennyhill Drive
Anchorage, AK 99504
(907) 338-7777 (hm)
(907) 264-6255 (wk)

Constance Hartle

From: Dan Carothers [carothers@alaska.net]
Sent: Thursday, February 02, 2006 1:07 PM
To: Sen. Con Bunde
Subject: Senate Bill 218
Importance: High

Honorable Con Bunde:

My name is Dan Carothers and I have recently retired after over 28 years from the Department of Corrections here in Alaska. During this period I worked as a Correctional Officer, Probation Officer (Jail & Field), and Superintendent in several of our States Correctional Centers. I currently am a commercial fisherman and work on several corrections related projects, in the private sector.

I am in support of Senate Bill 218, especially as to it's mandating periodic polygraphing of sex offenders and habitual criminals. DOC has stated that during it's recent polygraph of sex offenders that for each offender an additional 163 victims and 504 additional offenses were discovered (RFP # 2006-2000-5613). This is information unknown until the recent use of polygraphing sex offenders, and reflects a high public safety risk to our community. With this high risk, I would like to make a recommendation;

With public safety at such a risk from sexual predators, without the additional support of polygraphing sex offenders, to Probation/Parole Officers, the effective date on this bill should be within 60 days of it's passing. I believe this will be the appropriate message from the legislature as to the importance of this piece of legislation, it will encourage DOC to implement polygraphing of high risk offenders sooner, and better protect the public.

The Department of Corrections "Mission Statement" is;

"To Protect the Public by Incarcerating and Supervising Offenders."

Your efforts and Senate Bill 218 reflect positively on protecting innocent victims that occur by offenders under Probation and Parole supervision. Using polygraph technology as an aide to help Probation/Parole Officers supervise, should not be delayed for any reason, and I would again recommend the effective date of Bill 218 be short and encourage DOC to implement this new supervision aide ASAP.

Thank you for this Bill and your consideration;

Dan Carothers
Superintendent (retired)
(907) 957-3140

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

VIOLENT CRIMES COMPENSATION BOARD

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110230
JUNEAU, ALASKA 99811-0230
PHONE: (907) 465-3040
TOLL FREE: 1-800-764-3040
FAX: (907) 465-2379

February 16, 2006

The Honorable Senator Bunde
State Capitol, Room 506
Juneau, AK 99801-1182

Re: SB218

Dear Senator Bunde:

The Violent Crimes Compensation Board applauds the Senate passage of SB 218. In the course of doing business, we have seen the destruction that repeat offenders wreak upon their victims, the families of their victims, our communities, and our state.

We thank you for your tireless work on behalf of Alaska's crime victims.

Respectfully,



Gerard Godfrey
Chair

To the contrary, research shows lie-detector test to be effective tool

Mr. Holmstrom's comments are not specific to sex offenders ("It's high time we lose the idea

that lie detectors can help us," Jan. 27). Research shows that lie detectors are a very effective treatment and/or supervision tool for sex offenders.

The state of Colorado has compelling research that clearly shows a marked increase in the number of reported victims, using polygraph versus not, with sex offenders entering sex-offender treatment. Polygraph not only increases the number of reported sexual perpetrator victims (which informs as to the dangerousness of the sex offender), but it also cuts through months of denial and wasted treatment dollars as sex offenders continue to deny crimes because they are not subject to a polygraph.

Most important is that a polygraph is effective in identifying perpetrators who are engaging in high-risk behavior, i.e., contact with children, because the offender knows that they must undergo polygraph. Many sex offenders who must undergo polygraph admit to high-risk behavior without ever having completed a polygraph. How would you react if an official agency required you to complete a polygraph test as to your behavior?

Therein lies the usefulness of polygraph testing for sex offenders. If you were a sex offender, would you prefer to be supervised or receive treatment with or without polygraph? Why? These questions are at the heart of why a polygraph is useful as a supervision and treatment tool for sex offenders.

— Memoree Cushing
Ellensburg, Wash.

■ Editor's note: The writer is a former State of Alaska worker who helped oversee sex offenders after their release.

Anchorage Daily News

Daily News Letters

Withdrawn
3/7/06

AMENDMENT 2

OFFERED IN THE HOUSE
TO: CSSB 218(FIN)

BY REPRESENTATIVE KERTTULA

- 1 Page 5, line 4:
- 2 Delete "99"
- 3 Insert "40"
- 4
- 5 Page 5, lines 7 - 8:
- 6 Delete "five to 15 [TWO TO FOUR]"
- 7 Insert "two to six [FOUR]"
- 8
- 9 Page 5, lines 10 - 11:
- 10 Delete "10 to 25 [FIVE TO EIGHT]"
- 11 Insert "five to 12 [EIGHT]"
- 12
- 13 Page 5, line 16:
- 14 Delete "20 to 35 [10 TO 14]"
- 15 Insert "10 to 30 [14]"
- 16
- 17 Page 5, line 19:
- 18 Delete "99"
- 19 Insert "25 to 40"
- 20
- 21 Page 5, line 24:
- 22 Delete "99"
- 23 Insert "20"

1 Page 5, lines 27 - 28:

2 Delete "one to 12 [ONE TO TWO]"

3 Insert "one to four [TWO]"

4

5 Page 5, lines 30 - 31:

6 Delete "eight to 15 [TWO TO FIVE]"

7 Insert "two to seven [FIVE]"

8

9 Page 6, line 2:

10 Delete "12 to 20"

11 Insert "five to 12"

12

13 Page 6, lines 5 - 6:

14 Delete "15 to 25 [THREE TO SIX]"

15 Insert "three to 12 [SIX]"

16

17 Page 6, line 8:

18 Delete "99"

19 Insert "nine to 20"

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class B Felony Sex Offense (SA 2, SAM 2, etc)	CURRENT LAW	2-4	2-4	5-8	10-14*	10-14	15-20*	20
	SB218	5-15	5-15	10-25	15-30*	20-35	99*	99
	AMENDMENT 2	2-6	2-6	5-12	15-30* NO CHANGE	10-30	25-40*	40
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	1-12	1-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 2	1-4	1-4	2-7	5-12*	3-12	9-20*	20

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
[2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not effect any enhancement for aggravating factors under AS 12.55.155(c).

Withdrawn
3/7/06

24-LS1307\R.3
Luckhaupt
2/28/06

AMENDMENT 3

OFFERED IN THE HOUSE
TO: CSSB 218(FIN)

BY REPRESENTATIVE KERTTULA

- 1 Page 3, line 21:
- 2 Delete "25 to 30"
- 3 Insert "12 to 20"
- 4
- 5 Page 3, line 22:
- 6 Delete "20 to 30"
- 7 Insert "10 to 18"
- 8
- 9 Page 3, line 26:
- 10 Delete "25 to 35"
- 11 Insert "14 to 24"
- 12
- 13 Page 3, line 28:
- 14 Delete "30 to 40 [15 TO 20]"
- 15 Insert "15 to 30 [20]"
- 16
- 17 Page 4, lines 3 - 4:
- 18 Delete "40 to 60 [25 TO 35]"
- 19 Insert "25 to 50 [35]"
- 20
- 21 Page 4, line 7:
- 22 Delete "99"
- 23 Insert "40 to 80"

- 1
- 2 Page 4, line 10:
 - 3 Delete "99"
 - 4 Insert "60"
 - 5
- 6 Page 4, line 15:
 - 7 Delete "20 to 25"
 - 8 Insert "seven to 15"
 - 9
- 10 Page 4, lines 16 - 17:
 - 11 Delete "15 to 25 [FIVE TO EIGHT]"
 - 12 Insert "five to 12 [EIGHT]"
 - 13
- 14 Page 4, line 20:
 - 15 Delete "25 to 35"
 - 16 Insert "12 to 21"
 - 17
- 18 Page 4, line 22:
 - 19 Delete "25 to 35 [12 TO 16]"
 - 20 Insert "12 to 24 [16]"
 - 21
- 22 Page 4, line 29:
 - 23 Delete "35 to 50 [15 TO 25]"
 - 24 Insert "15 to 38 [25]"
 - 25
- 26 Page 5, line 1:
 - 27 Delete "99"
 - 28 Insert "30 to 60"

OTHER CRIMES:	1st Felony Sentence	
Murder 1	20-99 years	
Attempted Murder 1	5-99 years	
Murder 2	10-99 years	
Manslaughter	5-8 years	

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Unclassified Sex Offense (SA 1, SAM 1)	CURRENT LAW	8-12	12-16	15-20	20-30*	25-35	30-40*	99
	SB218	25-30 (Victim <13) 20-30 (Victim >13)	25-35	30-40	35-45*	40-60	99*	99
	AMENDMENT 1	12-20 (Victim <13) 10-18 (Victim >13)	14-24	15-30	35-45* NO CHANGE	25-50	40-80*	99
Class A Felony Sex Offense (Att. SA1, Att. SAM 1)	CURRENT LAW	5-8	10-14	12-16	15-20*	15-25	20-30*	30
	SB218	20-25 (Victim <13) 15-25 (Victim >13)	25-35	25-35	30-40*	35-50	99*	99
	AMENDMENT 1	7-15 (Victim <13) 5-12 (Victim >13)	12-21	12-24	30-40* NO CHANGE	15-38	30-60*	60

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
[2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c)

Failed

3/7/06

24-LS1307AU.2
Luckhaupt
3/7/06

AMENDMENT

4

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

1 Page 4, line 5:

2 Delete "25 to 35"

3 Insert "12 to 20"

4

5 Page 4, line 6:

6 Delete "20 to 30"

7 Insert "10 to 18"

8

9 Page 4, line 10:

10 Delete "25 to 35"

11 Insert "14 to 24"

12

13 Page 4, line 12:

14 Delete "30 to 40 [15 TO 20]"

15 Insert "15 to 30 [20]"

16

17 Page 4, lines 18 - 19:

18 Delete "40 to 60 [25 TO 35]"

19 Insert "25 to 50 [35]"

20

21 Page 4, line 22:

22 Delete "99"

23 Insert "40 to 80"

1

2 Page 4, line 25:

3 Delete "99"4 Insert "60"

5

6 Page 4, line 30:

7 Delete "20 to 30"8 Insert "seven to 15"

9

10 Page 4, line 31, through page 5, line 1:

11 Delete "15 to 30 [FIVE TO EIGHT]"12 Insert "five to 12 [EIGHT]"

13

14 Page 5, line 4:

15 Delete "25 to 35"16 Insert "12 to 21"

17

18 Page 5, line 6:

19 Delete "25 to 35 [12 TO 16]"20 Insert "12 to 24 [16]"

21

22 Page 5, line 13:

23 Delete "35 to 50 [15 TO 25]"24 Insert "15 to 38 [25]"

25

26 Page 5, line 16:

27 Delete "99"28 Insert "30 to 60"

29

30 Page 5, line 19:

31 Delete "99"

1 Insert "40"

2

3 Page 5, lines 22 - 23:

4 Delete "five to 15 [TWO TO FOUR]"

5 Insert "two to six [FOUR]"

6

7 Page 5, lines 25 - 26:

8 Delete "10 to 25 [FIVE TO EIGHT]"

9 Insert "five to 12 [EIGHT]"

10

11 Page 5, line 31:

12 Delete "20 to 35 [10 TO 14]"

13 Insert "10 to 30 [14]"

14

15 Page 6, line 3:

16 Delete "99"

17 Insert "25 to 40"

18

19 Page 7, line 23:

20 Delete "15"

21 Insert "10"

22

23 Page 7, line 24:

24 Delete "three"

25 Insert "four"

26

27 Page 7, line 25:

28 Delete "10"

29 Insert "five"

1st Felony Sentence	
OTHER CRIMES: Murder 1	20-99 years
Attempted Murder 1	5-99 years
Murder 2	10-99 years
Manslaughter	5-8 years

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Unclassified Sex Offense (SA 1, SAM 1)	CURRENT LAW	8-12	12-16	15-20	20-30*	25-35	30-40*	99
	SB218	25-35 (Victim <13) 20-30 (Victim >13)	25-35	30-40	35-45*	40-60	99*	99
	AMENDMENT 1	12-20 (Victim <13) 10-18 (Victim >13)	14-24	15-30	35-45* NO CHANGE	25-50	40-80*	99
Class A Felony Sex Offense (Att. SA1, Att. SAM 1)	CURRENT LAW	5-8	10-14	12-16	15-20*	15-25	20-30*	30
	SB218	20-30 (Victim <13) 15-30 (Victim >13)	25-35	25-35	30-40*	35-50	99*	99
	AMENDMENT 1	7-15 (Victim <13) 5-12 (Victim >13)	12-21	12-24	30-40* NO CHANGE	15-38	30-60*	60

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
[2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class B Felony Sex Offense (SA 2, SAM 2, etc)	CURRENT LAW	2-4	2-4	5-8	10-14*	10-14	15-20*	20
	SB218	5-15	5-15	10-25	15-30*	20-35	99*	99
	AMENDMENT 1	2-6	2-6	5-12	15-30* NO CHANGE	10-30	25-40*	40

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
[2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

HOUSE FINANCE COMMITTEE ROLL CALL

SB 218

DATE: 3/7/06

Amendment: #4

Oct V
1 - 2

F

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
MOSES	✓	
STOLTZE		✓
WEYHRAUCH		
FOSTER		
HAWKER		✓
HOLM		✓
JOULE		✓
KELLY		✓
KERTTULA	✓	
MEYER		✓
CHENAULT		✓

3/7/06

Fail

AMENDMENT *5*

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

1 Page 6, line 8:

2 Delete "99" *No longer there*

3 Insert "20"

4

5 Page 6, lines 11 - 12:

6 Delete "two to 12 [ONE TO TWO]"

7 Insert "one to four [TWO]"

8

9 Page 6, lines 14 - 15:

10 Delete "eight to 15 [TWO TO FIVE]"

11 Insert "two to seven [FIVE]"

12

13 Page 6, line 17:

14 Delete "12 to 20"

15 Insert "five to 12"

16

17 Page 6, lines 20 - 21:

18 Delete "15 to 25 [THREE TO SIX]"

19 Insert "three to 12 [SIX]"

20

21 Page 6, line 23:

22 Delete "99"

23 Insert "nine to 20"

1

2 Page 7, line 26:

3 Delete "two"

4 Insert "one"

5 Delete "five"

6 Insert "four"

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	2-12	2-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 2	1-4	1-4	2-7	5-12*	3-12	9-20*	20

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
 [2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

HOUSE FINANCE
COMMITTEE
ROLL CALL

SB 218

Fail

DATE: _____

Amendment: #5

MEMBER

Favor

Oppose

MEMBER	Favor	Oppose
STOLTZE		✓
WEYHRAUCH		
FOSTER		
HAWKER		✓
HOLM		✓
JOULE		✓
KELLY		✓
KERTTULA	✓	
MOSES	✓	
CHENAULT		✓
MEYER		✓

Fwd

3/7/06

AMENDMENT

6

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

- 1 Page 4, line 5:
- 2 Delete "25 to 35"
- 3 Insert "15 to 35"
- 4
- 5 Page 4, line 6:
- 6 Delete "20 to 30"
- 7 Insert "10 to 30"
- 8
- 9 Page 4, line 10:
- 10 Delete "25 to 35"
- 11 Insert "20 to 35"
- 12
- 13 Page 4, line 30:
- 14 Delete "20 to 30"
- 15 Insert "10 to 30"
- 16
- 17 Page 4, line 31, through page 5, line 1:
- 18 Delete "15 to 30 [FIVE TO EIGHT]"
- 19 Insert "five to 30 [EIGHT]"
- 20
- 21 Page 5, line 4:
- 22 Delete "25 to 35"
- 23 Insert "20 to 35"

1

2 Page 7, line 23:

3 Delete "15"

4 Insert "10"

5

6 Page 7, line 24:

7 Delete "three"

8 Insert "two"

9

10 Page 7, line 25:

11 Delete "10"

12 Insert "five"

OTHER CRIMES:	1st Felony Sentence	
	Murder 1	20-99 years
	Attempted Murder 1	5-99 years
	Murder 2	10-99 years
	Manslaughter	5-8 years

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Unclassified Sex Offense (SA 1, SAM 1)	CURRENT LAW	8-12	12-16	15-20	20-30*	25-35	30-40*	99
	SB218	25-35 (Victim <13) 20-30 (Victim >13)	25-35	30-40	35-45*	40-60	99*	99
	AMENDMENT 3	15-35 (Victim <13) 10-30 (Victim >13)	20-35	No change	No Change	No Change	No Change	No Change
Class A Felony Sex Offense (Att. SA1, Att. SAM 1)	CURRENT LAW	5-8	10-14	12-16	15-20*	15-25	20-30*	30
	SB218	20-30 (Victim <13) 15-30 (Victim >13)	25-35	25-35	30-40*	35-50	99*	99
	AMENDMENT 3	10-30 (Victim <13) 5-30 (Victim >13)	20-35	No change	No Change	No Change	No Change	No Change

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
[2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c)

HOUSE FINANCE COMMITTEE ROLL CALL

Taulos

DATE: _____

Amendment: #60

MEMBER

Favor

Oppose

WEYHRAUCH		
FOSTER		
HAWKER		✓
HOLM		✓
JOULE		✓
KELLY		✓
KERTTULA	✓	
MOSES		✓
STOLTZE		✓
MEYER		✓
CHENAULT		✓

Withdrawn 3/7/06

24-LS1307\U.4
Luckhaupt
3/7/06

AMENDMENT

7

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

- 1 Page 3, line 14:
- 2 Delete "recklessly"
- 3 Insert "knowingly"

Withdrawn 3/7/06

24-LS1307\U.5
Luckhaupt
3/7/06

AMENDMENT 3

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

1 Page 6, lines 11 - 12:

2 Delete "two to 12 [ONE TO TWO]"

3 Insert "one to four [TWO]"

4

5 Page 7, line 26:

6 Delete "two years"

7 Insert "one year"

8 Delete "five"

9 Insert "four"

Sex Crimes Sentencing Comparison								
		1st Felony	1 ST Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	2-12	2-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 5	1-4	No Change	No Change	No Change	No Change	No Change	No Change

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
 [2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

Amended
3/7/06

24-LS1307U.7
Luckhaupt
3/7/06

AMENDMENT 9

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

- 1 Page 6, line 8:
- 2 Delete "99"
- 3 Insert "35"
- 4
- 5 Page 6, line 20:
- 6 Delete "99"
- 7 Insert "35"

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	2-12	2-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 6	No Change	No Change	No Change	No Change	No Change	35	35

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
 [2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

Withdrawn
3/7/06

24-LS1307\U.6
Luckhaupt
3/7/06

AMENDMENT

10

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HCS CSSB 218(), Draft Version "U"

- 1 Page 6, lines 11 - 12:
- 2 Delete "two to 12 [ONE TO TWO]"
- 3 Insert "one to 12 [TWO]"

Sex Crimes Sentencing Comparison								
		1st Felony	1st Felony (special: weapon or serious injury)	2nd Felony	2nd Felony with a prior sex felony	3rd Felony	3rd Felony w/2 prior sex felonies	Maximum Penalty
Class C Felony Sex Offense (SA 3, Att. SA 2, Att. SAM 2)	CURRENT LAW	1-2	1-2	2-5	3-6*	3-6	6-10*	10
	SB218	2-12	2-12	8-15	12-20*	15-25	99*	99
	AMENDMENT 7	1-12	No Change	No Change	No Change	No Change	No Change	No Change

*Defendant is Not Eligible for Good Time per AS 33.20.010(a)(3)
 [2003 Changes took away good time if defendant had a prior sex felony conviction.]

These sentences do not reflect any enhancement for aggravating factors under AS 12.55.155(c).

Replaced

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSSB 218(JUD)
(S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to periodic polygraph examinations... RDU Legal and Advocacy Services
Component Public Defender Agency
Sponsor Senator Bunde
Requester (S) Finance Component No. 1631

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	*	*	*	*	*	*

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

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	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: 0.0
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 act increases the periodic presumptive sentencing ranges for a certain sex offense; it includes a 99-year mandatory penalty for individuals with two prior sex felony convictions. This bill also requires individuals convicted of sex offenses to submit to a polygraph examination.

Due to the penalty increases, this bill will likely result in pressures that tend to increase criminal trials and increase the work necessary to prepare a case for trial or plea negotiation, thus putting an upward pressure on our case costs. The increased pressure, however, is indeterminate but may be mitigated by factors external to the Public Defender Agency, such as an offsetting plea bargaining policy. The Public Defender Agency, therefore, submits an indeterminate fiscal note.

Prepared by: Quinlan Steiner, Director Phone 907.334.4414
Division Public Defender Agency Date/Time 1/17/06 1:00 p.m.
Approved by: Mike Tibbles, Deputy Commissioner Date _____
Agency Administration



Alaska State Legislature

Please enter into the record my testimony to the House Finance
 committee name
 committee on SB 218, dated 04/03/06
 bill/subject

- I don't want to live in the rape capital of the Nation anymore.
- Please pass SB 218
 - A. A minimum sentence of 25 yrs.
 - B. A maximum sentence of 40 yrs. without parole.

Signed: Louie Jones Jr
 Testifier

Representing (Optional)
1023 W. 26th Ave, Apt #301, Anchorage
 Address
278-0919
 Phone No.

SB

218

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
FEB 09 2006
 SENATE FINANCE COMMITTEE

DATE: 1/25/06

FURTHER:

DATE TURNED IN TO OFFICE: 9 Feb 2006

Finance Committee considered

SENATE BILL NO. 218

SB 218 CRIMINAL SENTENCING AND POLYGRAPHS

"An Act relating to periodic polygraph examinations for sex offenders released on probation or parole and to sentencing for sex offenders and habitual criminals."

and recommends:

- be replaced with _____ CS SB 218 (FIN)
- adopt previous _____ CS CS Forthcoming (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:

- Same Title
- New Title

SCS House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
Court	1/26/06		*		
Correction Probation/Parole	1/20/06			✓	
Admin	1/28/06		*		
Correct. Institution Director	1/26/06			✓	
Correct. Admin Svcs	2/1/06			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
DPS	1/18/06			✓	#1
LAW	1/18/06		*		#4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>C. Beaudry</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

REPORTED OUT
FEB 09 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 218 (JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title "An act relating to sex offenders; relating to RDU Institutional Facilities
reporting of sex offenders and child kidnappers; relating to . . ." Component Institution Director's Office
Sponsor Senators Bunde
Requester Senate Judiciary, Finance Component No. 1381

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	0.0	0.0	0.0	•	•	•
Travel	0.0	0.0	0.0	•	•	•
Contractual	0.0	0.0	0.0	•	•	•
Supplies	0.0	0.0	0.0	•	•	•
Equipment	0.0	0.0	0.0	•	•	•
Land & Structures	0.0	0.0	0.0	•	•	•
Grants & Claims	0.0	0.0	0.0	•	•	•
Miscellaneous	0.0	0.0	0.0	•	•	•
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

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

Estimate of any current year (FY2006) cost: 0.0
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)

The Department of Corrections, Division of Institutions does not anticipate a significant fiscal impact during the first three years following enactment. For years beyond FY2009, there will be a cost to the department due to the increase in the length of sentences for sexual offenders, but it cannot be determined with any precision.

In an attempt to determine the potential impact on the Department of Corrections (DOC), the department's research section investigated the re-offense rates of sex offenders in the department's custody. The research section reported that there were 927 sex offenders in DOC custody on January 24, 2006.

(Continued on Page 2)

Prepared by: <u>Sharleen Griffin, Acting Director</u>	Phone: <u>(907) 465-3460</u>
Division: <u>Administrative Services</u>	Date/Time: <u>1/26/06 2:44 PM</u>
Approved by: <u>Portia C.K. Parker, Deputy Commissioner</u>	Date: <u>1/26/2006</u>
Agency: <u>Department of Corrections</u>	

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. CSHB 218 (JUD)

ANALYSIS CONTINUATION

Number of the 927 sex offenders in Alaska DOC custody on January 24, 2006 who are repeat offenders (in the department's custody previously for any reason):

- Sex offenders in DOC custody	927	100%
- Number/Percent of sex offenders in DOC custody previously (repeat offenders)	863	93%
- Average number of times admitted to DOC custody	11.75 times	
- Number/Percent admitted to DOC 10 or more times (863=100%)	358	41%

Major offenses committed when admitted to DOC custody (927 sex offenders):

- Sex Offenses	47%
- Parole/Probation Violations	16%
- Assaults	10%
- Theft/Burglar/Larceny	8%
- Other crimes against persons	7%
- Alcohol	3%
- Drugs	2%
- Traffic	1%
- All other crimes	6%

Given the high re-offense rates of sex offenders in the department's custody, it is likely that many of the sex offenders who would receive substantially longer sentences under the provisions of this legislation already would spend a significant amount of time involved with Alaska's criminal justice system, including the Department of Corrections. The department believes that there will be an increased cost due to the lengthening of sentences for sexual offenders, but at this time those potential costs cannot be accurately determined.

FISCAL NOTE

REPORTED OUT
FEB 09 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 218 (JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title "An act relating to sex offenders; relating to RDU Administrative Services & Support
reporting of sex offenders and child kidnappers; relating to . . ." Component Offender Habilitation Programs
 Sponsor Senators Bunde
 Requester Senate Judiciary, Finance Component No. 2751

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	0.0				•	•
Travel	0.0				•	•
Contractual	0.0	622.3	1,124.5	1,642.0	•	•
Supplies	0.0				•	•
Equipment	0.0				•	•
Land & Structures	0.0				•	•
Grants & Claims	0.0				•	•
Miscellaneous	0.0				•	•
TOTAL OPERATING	0.0	622.3	1,124.5	1,642.0	0.0	0.0

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

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts	0.0				•	•
1003 GF Match	0.0				•	•
1004 GF	0.0	622.3	1,124.5	1,642.0	•	•
1005 GF/Program Receipts	0.0				•	•
1037 GF/Mental Health	0.0				•	•
Other (Specify Type--Do not abbreviate)	0.0				•	•
TOTAL	0.0	622.3	1,124.5	1,642.0	0.0	0.0

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

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time	0	0	0	0	•	•
Part-time	0	0	0	0	•	•
Temporary	0	0	0	0	•	•

ANALYSIS: (Attach a separate page if necessary)
 Sections of the legislation requiring regular periodic polygraph examinations of all sex offenders releasing on probation or parole will have a fiscal impact on the Department following the effective date of the applicable sections, specifically July 1, 2007. Regular periodic polygraph examinations used in conjunction with community sex offender treatment and sex offender specific supervision, often referred to as the Containment Model, is best practice in the field of sex offender management. The fiscal impact on Offender Habilitation Programs will be phased in over a three year period beginning in FY08 as offenders gradually are released with the new parole/probation conditions. It is assumed that 50% of releasing sex offenders will pay for community sex offender treatment and polygraph examinations, and the Department will pay for the other 50% of releasing sex offenders. (continued on page 2).

Prepared by: Sharleen Griffin, Acting Director Phone (907) 465-3460
 Division Administrative Services Date/Time 2/1/06 4:21 PM
 Approved by: Portia C.K. Parker, Deputy Commissioner Date 2/1/2006
 Agency Department of Corrections

ANALYSIS CONTINUATION

For years FY11 and beyond, it is difficult to estimate additional costs, if any, due to the fact that there could be more or there could be fewer sex offenders releasing on supervision for a variety of reasons, including the potential impact of the proposed new sentencing penalties contained in this legislation. Therefore, for years FY11 and beyond the fiscal impact is indeterminate.

FISCAL DETAILS AND ASSUMPTIONS:

Sex Offenders on Supervision by Location (January 2006):

Anchorage	370
Barrow	3
Bethel	104
Dillingham	8
Fairbanks	79
Juneau	60
Kenai	43
Ketchikan	31
Kodiak	11
Kotzebue	14
Nome	20
Palmer	58
Sitka	13
Institutions	120 (probation/parole violations or new crimes and pending action)
TOTAL	934

Average Number of Sex Offenders Per Year:

900 - Number of Sex Offenders on Supervision (Average)
100 - Sex Offenders in Existing Programs (Containment Model Project)
400 - Sex Offenders Self Paying
400 - Sex Offenders State Paying

COMMUNITY SEX OFFENDER TREATMENT:

FY2008 - 1/3 of the 400 offenders

\$276,618	Anchorage (108)
\$74,856	Juneau (12)
\$24,553	Kenai (7)
<u>\$15,345</u>	Ketchikan (5)
\$391,372	Total (132)

FY2009 - 2/3 of the 400 offenders

\$553,236	Anchorage (216)
\$149,712	Juneau (24)
\$49,106	Kenai (14)
<u>\$30,690</u>	Ketchikan (10)
\$782,744	Total (264)

FY2010 - All of the 400 offenders

\$838,237	Anchorage (328)
\$226,836	Juneau (36)
\$74,403	Kenai (21)
<u>\$46,500</u>	Ketchikan (15)
\$1,185,976	Total (400)

ANALYSIS CONTINUATION

POLYGRAPH EXAMINATIONS:

\$200 Cost Per Polygraph
\$800 Cost per Sex Offender (4 Polygraphs per Year)

FY2008 - 1/3 of the 400 offenders

132 Number of offenders
\$800 Cost per Sex Offender (4 Polygraphs per Year)

\$105,600 Polygraph Treatment
\$5,280 5% CPI on Contract
\$120,000 Travel (\$10,000 per Community not including Anchorage)
\$230,880 TOTAL FY2008

FY2009 - 2/3 of the 400 offenders

264 Number of offenders
\$800 Cost per Sex Offender (4 Polygraphs per Year)

\$211,200 Polygraph Treatment
\$10,560 5% CPI on Contract
\$120,000 Travel (\$10,000 per Community not including Anchorage)
\$341,760 TOTAL FY2009

FY2010 - All of the 400 offenders

400 Number of offenders
\$800 Cost per Sex Offender (4 Polygraphs per Year)

\$320,000 Polygraph Treatment
\$16,000 5% CPI on Contract
\$120,000 Travel (\$10,000 per Community not including Anchorage)
\$456,000 TOTAL FY2010

Notes:

*No Change in Revenues - Sex Offenders Self Paying will continue to, or begin to, pay up front
Community Treatment varies in length - Average is 2 years*

TOTAL POLYGRAPH & COMMUNITY TREATMENT (STATE COST ONLY):

FY 2008 \$622,252
FY 2009 \$1,124,504
FY 2010 \$1,641,976

FISCAL NOTE

REPORTED OUT
FEB 09 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 218(JUD)
 (S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: An Act relating to periodic polygraph examinations RDU: Alaska State Troopers
for sex offenders and an increase in sentencing Component: AST Detachments
 Sponsor: Senator Bunde
 Requester: Senate Judiciary Committee Component No. 2325

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	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 (FY2006) 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)

The first section of this bill provides for the implementation and continued use of periodic polygraph examinations as a condition of probation or parole for sex offenders. This provision will have little or no impact to the Department of Public Safety, but will directly impact the Department of Corrections.

This bill also significantly increases sentences for convictions under sexual assault and sexual abuse. When a defendant is faced with a longer term of imprisonment, it is reasonable to expect that they may mount a more aggressive defense. It is difficult to predict if extra court testimony will be required as a result of this legislation or whether it increases the complexity of an investigation. At this juncture the department will absorb any unforeseen expenses associated with this legislation.

Prepared by: Lieutenant James Helqou
 Division: Alaska State Troopers
 Approved by: Commissioner William Tandosko
 Agency: Department of Public Safety

Phone: 907-269-4532
 Date/Time: 1/18/06 4:27 PM
 Date: 1/18/2006

FISCAL NOTE

REPORTED OUT
FEB 09 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSSB 218(JUD)
(S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title: "An Act relating to periodic polygraph
examinations for sex offenders released on probation..." RDU: CRIMINAL
Sponsor: Senator Bunde Component: Criminal Justice Litigation
Requester: Senate Judiciary Component No.: _____

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	*****	*****	*****	*****	*****	*****

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

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	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2006) cost: 0.0

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 significantly increases presumptive sentencing for convicted sexual offenders. Passage of this legislation will have a fiscal impact on the Department of Law because convicted offenders will be less likely to plead to charges and will instead be willing to risk a jury trial as a result of facing much longer prison sentences than is reflected in current legislation. The fiscal impact is difficult to measure with any precision.

Prepared by: Kathryn Daughheto, Director Phone: 465-3673
Division: Administrative Services Division Date/Time: 1/18/06 1:21 PM
Approved by: Kathryn Daughheto for David Marquez, Attorney General Date: 1/18/2006
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 218 (JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title: "An act relating to sex offenders; relating to
reporting of sex offenders and child kidnappers; relating to . . ." RDU: Probation and Parole
 Sponsor: Senators Bunde Component: Statewide Probation and Parole
 Requester: Senate Judiciary, Finance Component No.: 2751

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	0.0	138.8	277.6	*	*	*
Travel	0.0	12.0	48.0	*	*	*
Contractual	0.0	26.4	105.6	*	*	*
Supplies	0.0	18.6	46.8	*	*	*
Equipment	0.0			*	*	*
Land & Structures	0.0			*	*	*
Grants & Claims	0.0			*	*	*
Miscellaneous	0.0			*	*	*
TOTAL OPERATING	0.0	195.8	478.0	*	*	*

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0			*	*	*
1003 GF Match	0.0			*	*	*
1004 GF	0.0	195.8	478.0	*	*	*
1005 GF/Program Receipts	0.0			*	*	*
1037 GF/Mental Health	0.0			*	*	*
Other (Specify Type--Do not abbreviate)	0.0			*	*	*
TOTAL	0.0	195.8	478.0	*	*	*

Estimate of any current year (FY2006) cost: 0.0

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

POSITIONS

Full-time	0	2	4	*	*	*
Part-time	0	0	0	*	*	*
Temporary	0	0	0	*	*	*

ANALYSIS: (Attach a separate page if necessary)

The sections of the legislation relating to periodic polygraph testing of all sex offenders releasing on probation or parole supervision will have a fiscal impact on the Division of Probation & Parole. In FY08 and FY09, the department will require two additional probation/parole officers each year to handle the increasing workload associated with managing sex offender specific caseloads. With the addition of the polygraph examination being used as a tool with more and more sex offenders in community sex offender treatment and on supervision, a corresponding increase in workload for the supervising officers will result. In the interest of public safety and because of the extreme danger sex offenders pose to the community, especially to children and vulnerable adults, and due to the increase in workload per sex offender, it is the intent of the department to cap sex offender caseloads at 50 sex offenders per supervising officer.

Prepared by: Sharleon Griffin, Acting Director
 Division: Administrative Services
 Approved by: Portia C.K. Parker, Deputy Commissioner
 Agency: Department of Corrections

Phone: (907) 465-3460
 Date/Time: 1/30/06 7:21 AM
 Date: 1/30/2006

FISCAL NOTE

REPORTED OUT
FEB 09 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 218(JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Criminal Sentencing and Polygraphs RDU Alaska Court System
 Component Trial Courts
 Sponsor Senator Bunde
 Requester _____ Component No. _____

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

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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 (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 The Judiciary Committee Substitute for SB 218 significantly increases the presumptive sentences for those convicted of sexual offenses. It is likely that the longer sentences will increase a defendant's willingness to go to trial. Although the additional costs associated with those trials will fiscally impact the court system, the extent of the impact is too speculative to support a fiscal note.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
 Division: Alaska Court System Date/Time 1/26/06 @ 9:00 am
 Approved by: Doug Wooliver for Stephanie Colo, Administrative Director Date 1/26/2006
 Agency: Alaska Court System

FISCAL NOTE

REPORTED OUT
FEB 09 2006
 SENATE FINANCE COMMITTEE

STATE OF ALASKA
 2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 218 (Fin)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to periodic polygraph examinations... RDU Legal and Advocacy Services
 Component Public Defender Agency
 Sponsor Senator Bunde
 Requester (S) Finance Component No. 1631

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	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE II 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 (FY2006) cost: 0.0
 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 act increases the sentencing ranges for sex offenses, and includes a 99-year mandatory penalty for individuals with two prior sex felony convictions, and a polygraph examination requirement. It also creates a new felony for failing to report a person who is not compliant with the offender registration act.

 This bill will result in an increase in cases due to the new crime. It will also create pressures that tend to increase criminal trials and increase the work necessary to prepare a case for trial or plea negotiation, thus putting an upward pressure on our case costs. The increased pressure and new case loads are, however, indeterminate and may be mitigated by factors external to the Public Defender Agency, such as an offsetting plea bargaining policy. The Agency, therefore, submits an indeterminate fiscal note.

Prepared by: Quinlan Steiner, Director Phone 907.334.4414
 Division: Public Defender Agency Date/Time 1/28/06 5:30 p.m.
 Approved by: Mike Tibbles, Deputy Commissioner Date _____
 Agency: Administration

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prior convictions for sexual felonies, 99 [20 TO 30] years;

(3) sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, or distribution of child pornography may be sentenced to a definite term of imprisonment of not more than 99 [20] years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, five to 15 [TWO TO FOUR] years;

(B) if the offense is a second felony conviction and does not involve circumstances described in (C) of this paragraph, 10 to 25 [FIVE TO EIGHT] years;

(C) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 15 to 30 [10 TO 14] years;

(D) if the offense is a third felony conviction and does not involve circumstances described in (E) of this paragraph, 20 to 35 [10 TO 14] years;

(E) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 [15 TO 20] years;

(4) sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, or attempt, conspiracy, or solicitation to commit sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, or distribution of child pornography, may be sentenced to a definite term of imprisonment of not more than 99 [10] years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, ^{one}~~three to 12~~ [ONE TO TWO] years;

(B) if the offense is a second felony conviction and does not involve circumstances described in (C) of this paragraph, eight to 15 [TWO TO FIVE] years;

SENATE FINANCE COMMITTEE

2/19/2006

COMMITTEE ACTION

Bill Number	SB 218		
Amendment	#1		
Motion	adopt		
<u>Motion by</u>			
<u>Objection by</u>			
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Stedman	✓		
Senator Bunde	✓		
Senator Dyson			✓
Senator Hoffman	✓		
Senator Olson	✓		
Co-Chair Wilken	✓		
Co-Chair Green	✓		
<u>Tally</u>			
Yea	6		
Nay	1		
Absent			
<u>MOTION</u>	PASS		



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 9 Feb 2006 TIME: 11:00 am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 2

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

NOTES: Final Please
CS SB 218 (FIN) 24-LS1307/P
Luxhaupt 2/2/06
Plus 1 amendment. attached

Thanks

Mindy

CS FOR SENATE BILL NO. 218(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS BUNDE, Guess, Dyson, Elton, Kookesh, Green, Olson, Hoffman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sex offenders and child kidnappers; relating to reporting of sex
 2 offenders and child kidnappers; relating to periodic polygraph examinations for sex
 3 offenders released on probation or parole; relating to sexual abuse of a minor; relating
 4 to the definitions of 'aggravated sex offense' and 'child kidnapping'; relating to penalties
 5 for failure to report child abuse or neglect; relating to sentencing for sex offenders and
 6 habitual criminals; and providing for an effective date."

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

8 * Section 1. AS 11.41.436(a) is amended to read:

9 (a) An offender commits the crime of sexual abuse of a minor in the second
 10 degree if₂

11 (1) being 16 years of age or older, the offender engages in sexual
 12 penetration with a person who is 13, 14, or 15 years of age and at least three years
 13 younger than the offender, or aids, induces, causes₂ or encourages a person who is 13.

1 14, or 15 years of age and at least three years younger than the offender to engage in
2 sexual penetration with another person;

3 (2) being 16 years of age or older, the offender engages in sexual
4 contact with a person who is under 13 years of age or aids, induces, causes, or
5 encourages a person under 13 years of age to engage in sexual contact with another
6 person;

7 (3) being 18 years of age or older, the offender engages in sexual
8 contact with a person who is under 18 years of age, and the offender is the victim's
9 natural parent, stepparent, adopted parent, or legal guardian;

10 (4) being 16 years of age or older, the offender aids, induces, causes,
11 or encourages a person who is under 16 years of age to engage in conduct described in
12 AS 11.41.455(a)(2) - (6); [OR]

13 (5) being 18 years of age or older, the offender engages in sexual
14 contact with a person who is under 16 years of age, and

15 (A) the victim at the time of the offense is residing in the same
16 household as the offender and the offender has authority over the victim; or

17 (B) the offender occupies a position of authority in relation to
18 the victim;

19 (6) being 18 years of age or older, the offender engages in sexual
20 penetration with a person who is 16 or 17 years of age and at least three years
21 younger than the offender, and the offender occupies a position of authority in
22 relation to the victim; or

23 (7) being under 16 years of age, the offender engages in sexual
24 penetration with a person who is under 13 years of age and at least three years
25 younger than the offender.

26 * Sec. 2. AS 11.56 is amended by adding a new section to read:

27 Sec. 11.56.767. Failure to report sex offender or child kidnapper. (a) A
28 person commits the crime of failure to report a sex offender or child kidnapper if the
29 person

30 (1) recklessly disregards the fact that a sex offender or child kidnapper
31 has not complied with the requirements of AS 11.56.8-10; and

1 (2) knowingly fails to report the location of that sex offender or child
2 kidnapper to the Department of Public Safety.

3 (b) In a prosecution under (a) of this section, it is a defense that the defendant
4 was a licensed attorney and there existed, at the time of the offense, a bona fide
5 attorney-client relationship between the attorney and the sex offender or child
6 kidnapper.

7 (c) Failure to report a sex offender or child kidnapper is a class A
8 misdemeanor.

9 * Sec. 3. AS 12.55.100 is amended by adding a new subsection to read:

10 (e) While on probation and as a condition of probation for a sex offense, the
11 defendant shall be required to submit to regular periodic polygraph examinations. In
12 this subsection, "sex offense" has the meaning given in AS 12.63.100.

13 * Sec. 4. AS 12.55.125(i) is amended to read:

14 (i) A defendant convicted of

15 (1) sexual assault in the first degree or sexual abuse of a minor in the
16 first degree may be sentenced to a definite term of imprisonment of not more than 99
17 years and shall be sentenced to a definite term within the following presumptive
18 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

19 (A) if the offense is a first felony conviction, ~~[AND]~~ does not
20 involve circumstances described in (B) of this paragraph, and the victim was

21 (i) less than 13 years of age, 25 to 30 years;

22 (ii) 13 years of age or older, 20 to 30 [EIGHT TO 12]

23 years:

24 (B) if the offense is a first felony conviction and the defendant
25 possessed a firearm, used a dangerous instrument, or caused serious physical
26 injury during the commission of the offense, 25 to 35 [12 TO 16] years

27 (C) if the offense is a second felony conviction and does not
28 involve circumstances described in (D) of this paragraph, 30 to 40 [15 TO 20]
29 years;

30 (D) if the offense is a second felony conviction and the
31 defendant has a prior conviction for a sexual felony, 35 to 45 [20 TO 30]

1 years;

2 (E) if the offense is a third felony conviction and the defendant
3 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40
4 to 60 [25 TO 35] years;

5 (F) if the offense is a third felony conviction, the defendant is
6 not subject to sentencing under (I) of this section, and the defendant has two
7 prior convictions for sexual felonies, 99 [30 TO 40] years;

8 (2) attempt, conspiracy, or solicitation to commit sexual assault in the
9 first degree or sexual abuse of a minor in the first degree may be sentenced to a
10 definite term of imprisonment of not more than 99 [30] years and shall be sentenced to
11 a definite term within the following presumptive ranges, subject to adjustment as
12 provided in AS 12.55.155 - 12.55.175:

13 (A) if the offense is a first felony conviction, [AND] does not
14 involve circumstances described in (B) of this paragraph, and the victim was

15 (i) under 13 years of age, 20 to 25 years;

16 (ii) 13 years of age or older, 15 to 25 [FIVE TO

17 EIGHT] years;

18 (B) if the offense is a first felony conviction, and the defendant
19 possessed a firearm, used a dangerous instrument, or caused serious physical
20 injury during the commission of the offense, 25 to 35 [10 TO 14] years;

21 (C) if the offense is a second felony conviction and does not
22 involve circumstances described in (D) of this paragraph, 25 to 35 [12 TO 16]
23 years;

24 (D) if the offense is a second felony conviction and the
25 defendant has a prior conviction for a sexual felony, 30 to 40 [15 TO 20]
26 years;

27 (E) if the offense is a third felony conviction, does not involve
28 circumstances described in (F) of this paragraph, and the defendant is not
29 subject to sentencing under (I) of this section, 35 to 50 [15 TO 25] years;

30 (F) if the offense is a third felony conviction, the defendant is
31 not subject to sentencing under (I) of this section, and the defendant has two

1 prior convictions for sexual felonies, 99 [20 TO 30] years;

2 (3) sexual assault in the second degree, sexual abuse of a minor in the
3 second degree, unlawful exploitation of a minor, or distribution of child pornography
4 may be sentenced to a definite term of imprisonment of not more than 99 [20] years
5 and shall be sentenced to a definite term within the following presumptive ranges,
6 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

7 (A) if the offense is a first felony conviction, five to 15 [TWO
8 TO FOUR] years;

9 (B) if the offense is a second felony conviction and does not
10 involve circumstances described in (C) of this paragraph, 10 to 25 [FIVE TO
11 EIGHT] years;

12 (C) if the offense is a second felony conviction and the
13 defendant has a prior conviction for a sexual felony, 15 to 30 [10 TO 14]
14 years;

15 (D) if the offense is a third felony conviction and does not
16 involve circumstances described in (E) of this paragraph, 20 to 35 [10 TO 14]
17 years;

18 (E) if the offense is a third felony conviction and the defendant
19 has two prior convictions for sexual felonies, 99 [15 TO 20] years;

20 (4) sexual assault in the third degree, incest, indecent exposure in the
21 first degree, possession of child pornography, or attempt, conspiracy, or solicitation to
22 commit sexual assault in the second degree, sexual abuse of a minor in the second
23 degree, unlawful exploitation of a minor, or distribution of child pornography, may be
24 sentenced to a definite term of imprisonment of not more than 99 [10] years and shall
25 be sentenced to a definite term within the following presumptive ranges, subject to
26 adjustment as provided in AS 12.55.155 - 12.55.175:

27 (A) if the offense is a first felony conviction, one to 12 [ONE
28 TO TWO] years;

29 (B) if the offense is a second felony conviction and does not
30 involve circumstances described in (C) of this paragraph, eight to 15 [TWO
31 TO FIVE] years;

1 (C) if the offense is a second felony conviction and the
 2 defendant has a prior conviction for a sexual felony, 12 to 20 [THREE TO
 3 SIX] years;

4 (D) if the offense is a third felony conviction and does not
 5 involve circumstances described in (E) of this paragraph, 15 to 25 [THREE TO
 6 SIX] years;

7 (E) if the offense is a third felony conviction and the defendant
 8 has two prior convictions for sexual felonies, 99 [SIX TO 10] years.

9 * Sec. 5. AS 12.55.125(j) is amended to read:

10 (j) A defendant sentenced to a (1) mandatory term of imprisonment of 99
 11 years under (a) of this section may apply once for a modification or reduction of
 12 sentence under the Alaska Rules of Criminal Procedure after serving one-half of the
 13 mandatory term without consideration of good time earned under AS 33.20.010, or (2)
 14 definite term of imprisonment under (l) of this section may apply once for a
 15 modification or reduction of sentence under the Alaska Rules of Criminal Procedure
 16 after serving [THE GREATER OF (A)] one-half of the definite term [OR (B) 30
 17 YEARS]. A defendant may not file and a court may not entertain more than one
 18 motion for modification or reduction of a sentence subject to this subsection,
 19 regardless of whether or not the court granted or denied a previous motion.

20 * Sec. 6. AS 12.55.125(l) is amended to read:

21 (l) Notwithstanding any other provision of law, a defendant convicted of an
 22 unclassified or class A felony offense, and not subject to a mandatory 99-year
 23 sentence under (a) of this section, shall be sentenced to a definite term of
 24 imprisonment of [AT LEAST 40 YEARS BUT NOT MORE THAN] 99 years when
 25 the defendant has been previously convicted of two or more most serious felonies
 26 [AND THE PROSECUTING ATTORNEY HAS FILED A NOTICE OF INTENT TO
 27 SEEK A DEFINITE SENTENCE UNDER THIS SUBSECTION AT THE TIME
 28 THE DEFENDANT WAS ARRAIGNED IN SUPERIOR COURT]. If a defendant is
 29 sentenced to a definite term under this subsection,

30 (1) imprisonment for the prescribed definite term may not be
 31 suspended under AS 12.55.080;

1 (2) imposition of sentence may not be suspended under AS 12.55.085;

2 (3) imprisonment for the prescribed definite term may not be reduced,
3 except as provided in (j) of this section.

4 * Sec. 7. AS 12.55.125 is amended by adding a new subsection to read:

5 (o) In addition to the sentence imposed under (i) of this section on a defendant
6 convicted of a sexual offense, the court shall impose a period of probation of (1) 15
7 years if the defendant was convicted of an unclassified felony, (2) 10 years if the
8 defendant was convicted of a class A or class B felony, or (3) five years if the
9 defendant was convicted of a class C felony. The period of probation is in addition to
10 any sentence received under (i) of this section and may not be suspended or reduced.
11 Upon a defendant's release from confinement in a correctional facility, the defendant
12 is subject to this probation requirement and shall submit and comply with the terms
13 and requirements of the probation.

14 * Sec. 8. AS 12.63.100(1) is amended to read:

15 (1) "aggravated sex offense" means

16 (A) a crime under AS 11.41.100(a)(3), or a similar law of
17 another jurisdiction, in which the person committed or attempted to commit a
18 sexual offense, or a similar offense under the laws of the other jurisdiction; in
19 this subparagraph, "sexual offense" has the meaning given in
20 AS 11.41.100(a)(3);

21 (B) a crime under AS 11.41.110(a)(3), or a similar law of
22 another jurisdiction, in which the person committed or attempted to commit
23 one of the following crimes, or a similar law of another jurisdiction:

24 (i) sexual assault in the first degree;

25 (ii) sexual assault in the second degree;

26 (iii) sexual abuse of a minor in the first degree; or

27 (iv) sexual abuse of a minor in the second degree; or

28 (C) a crime, or an attempt, solicitation, or conspiracy to commit
29 a crime, under AS 11.41.410, 11.41.434, or a similar law of another
30 jurisdiction or a similar provision under a former law of this state;

31 * Sec. 9. AS 12.63.100(2) is amended to read: