

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3357

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1 commission of another offense are not part of the same criminal episode or
2 objective;

3 (2) AS 12.55.125(l),

4 (A) a conviction in this or another jurisdiction of an offense
5 having elements similar to those of a most serious felony is considered a prior
6 most serious felony conviction;

7 (B) commission of and conviction for offenses relied on as
8 prior most serious felony offenses must occur in the following order:
9 conviction for the first offense must occur before commission of the second
10 offense, and conviction for the second offense must occur before commission
11 of the offense for which the defendant is being sentenced;

12 (3) AS 12.55.135(g),

13 (A) a prior conviction may not be considered if a period of five
14 or more years has elapsed between the date of the defendant's unconditional
15 discharge on the immediately preceding offense and commission of the present
16 offense unless the prior conviction was for a capital, an unclassified, or a class
17 A felony;

18 (B) a conviction in this or another jurisdiction of an offense
19 having elements similar to those of a crime against a person or a crime
20 involving domestic violence is considered a prior conviction;

21 (C) two or more convictions arising out of a single, continuous
22 criminal episode during which there was no substantial change in the nature of
23 the criminal objective are considered a single conviction unless the defendant
24 was sentenced to consecutive sentences for the crimes; offenses committed
25 while attempting to escape or avoid detection or apprehension after the
26 commission of another offense are not part of the same criminal episode or
27 objective;

28 (4) AS 12.55.125(i),

29 (A) a conviction in this or another jurisdiction of an offense
30 having elements similar to those of a sexual felony is a prior conviction for a
31 sexual felony;

1 (B) a felony conviction in another jurisdiction making it a
 2 crime to commit any lewd and lascivious act upon a child under the age of 16
 3 years, with the intent of arousing, appealing to, or gratifying the sexual desires
 4 of the defendant or the victim is a prior conviction for a sexual felony;

5 (C) two or more convictions arising out of a single, continuous
 6 criminal episode during which there was no substantial change in the nature of
 7 the criminal objective are considered a single conviction unless the defendant
 8 was sentenced to consecutive sentences for the crimes; offenses committed
 9 while attempting to escape or avoid detection or apprehension after the
 10 commission of another offense are not part of the same criminal episode or
 11 objective.

12 * Sec. 19. AS 12.55.155(f) is amended to read:

13 (f) Under this section, if [IF] the state seeks to establish a factor in
 14 aggravation at sentencing

15 (1) under (c)(7), (8), (12), (15), (19), (20), (21), or (31) of this section,
 16 or if the defendant seeks to establish a factor in mitigation at sentencing, written notice
 17 must be served on the opposing party and filed with the court not later than 10 days
 18 before the date set for imposition of sentence; the factors in aggravation listed in this
 19 paragraph and factors in mitigation must be established by clear and convincing
 20 evidence before the court sitting without a jury; all findings must be set out with
 21 specificity;

22 (2) other than one listed in (1) of this subsection, the factor shall be
 23 presented to a trial jury under procedures set by the court, unless the defendant waives
 24 trial by jury, stipulates to the existence of the factor, or consents to have the factor
 25 proven under procedures set out in (1) of this subsection; a factor in aggravation
 26 presented to a jury is established if proved beyond a reasonable doubt; written notice
 27 of the intent to establish a factor in aggravation must be served on the defendant and
 28 filed with the court

29 (A) 20 days before trial, or at another time specified by the
 30 court;

31 (B) within 48 hours, or at a time specified by the court, if the

1 court instructs the jury about the option to return a verdict for a lesser included
2 offense; or

3 (C) five days before entering a plea that results in a finding of
4 guilt, or at another time specified by the court.

5 * Sec. 20. AS 12.55.185(10) is amended to read:

6 (10) "most serious felony" means

7 (A) arson in the first degree, promoting prostitution in the first
8 degree under AS 11.66.110(a)(2), or any capital, unclassified, or a class A
9 felony prescribed under AS 11.41; or

10 (B) an attempt, or conspiracy to commit, or criminal
11 solicitation under AS 11.31.110 of, a capital or an unclassified felony
12 prescribed under AS 11.41;

13 * Sec. 21. AS 12 is amended by adding a new chapter to read:

14 **Chapter 58. Capital Punishment.**

15 **Article 1. Imposition of Sentence.**

16 **Sec. 12.58.010. Sentencing procedure for a capital felony.** (a) If, after a trial
17 by jury, a defendant is convicted of a capital felony, the court shall conduct a separate
18 sentencing proceeding before the trial jury as soon as practicable. If a jury trial has
19 been waived or if the defendant has pled guilty, the sentencing proceeding shall be
20 held before a jury impaneled for the purpose.

21 (b) During the sentencing proceeding, evidence may be presented as to any
22 aggravating or mitigating factor that the court considers to have probative value,
23 regardless of the admissibility of the evidence under the rules of evidence. The
24 defendant shall have an opportunity to rebut hearsay evidence that is admitted. The
25 state and the defendant or the defendant's counsel shall be permitted to present oral
26 statements. This subsection does not authorize the introduction of evidence in
27 violation of the Constitution of the State of Alaska or the Constitution of the United
28 States.

29 (c) After hearing the evidence, the jury shall deliberate and recommend a
30 sentence to the court. The recommended sentence must include written findings of
31 whether the jury unanimously finds

1 (1) beyond a reasonable doubt that an aggravating factor or factors
2 exist to justify the death sentence;

3 (2) beyond a reasonable doubt that the aggravating factor or factors
4 outweigh any mitigating factors found to exist by a preponderance of the evidence;
5 and

6 (3) that the defendant should be sentenced to death.

7 **Sec. 12.58.020. Sentence imposition for capital felony.** (a) After considering
8 the evidence and the recommended sentence, the court shall enter a sentence of death
9 or a term of imprisonment in accordance with AS 12.55.125(a). The court may not
10 impose the death sentence unless the jury (1) finds beyond a reasonable doubt at least
11 one aggravating factor, (2) finds by a preponderance of the evidence that that factor or
12 those factors are not outweighed by any mitigating factors found to exist by a
13 preponderance of the evidence, and (3) recommends that the defendant be sentenced to
14 death. If the jury findings include an aggravating factor or factors that are not
15 outweighed by one or more of the mitigating factors and if the jury recommends a
16 sentence of death, the court shall sentence the defendant to death. If a sentence of
17 death is not recommended by the jury, the court shall sentence the defendant to a term
18 of imprisonment under AS 12.55.125(a).

19 (b) When the court enters a sentence of death, it shall state in writing the jury's
20 findings of

21 (1) aggravating factors that exist to justify the sentence; and

22 (2) mitigating factors considered but found insufficient to outweigh the
23 aggravating factors.

24 (c) A judgment of conviction for which a sentence of death is imposed is
25 subject to automatic review under AS 12.58.100.

26 **Sec. 12.58.030. Aggravating factors.** In determining whether to impose a
27 sentence of death, the following aggravating factors may be considered:

28 (1) the defendant's conduct caused the death of a child under 18 years
29 of age, the defendant, at the time of the offense, was at least two years older than the
30 child, and the defendant

31 (A) was kidnapping, assaulting, or sexually assaulting, or was

1 attempting to kidnap, assault, or sexually assault, the child; or

2 (B) had kidnapped, assaulted, or sexually assaulted the child; or

3 (2) the defendant sexually assaulted a child under 12 years of age and
4 the defendant has previously been convicted in this or another jurisdiction of sexual
5 assault or sexual abuse of a minor and the victim of the previous offense was less than
6 12 years of age.

7 **Sec. 12.58.040. Mitigating factors.** In determining whether to impose the
8 death sentence, all mitigating factors shall be considered, including, but not limited to,
9 the following:

10 (1) the defendant committed the offense under a degree of duress,
11 coercion, threat, or compulsion that was insufficient to constitute a defense but that
12 significantly affected the defendant's conduct;

13 (2) the conduct of a youthful defendant was substantially influenced by
14 a person more mature than the defendant;

15 (3) the defendant acted with serious provocation from the victim;

16 (4) the defendant assisted authorities to detect or apprehend other
17 persons who committed the offense with the defendant.

18 **Article 2. Sentence Review.**

19 **Sec. 12.58.100. Review of judgment of conviction of a capital felony.** (a) A
20 judgment of conviction of a capital felony for which a sentence of death is imposed
21 shall automatically be reviewed by the supreme court within 60 days after imposition
22 of the sentence. This time limit may be extended by the supreme court for good cause.
23 (b) A review under this section has priority over all other cases and the case shall be
24 heard in accordance with rules adopted by the supreme court. On review, the court
25 shall determine whether

26 (1) the sentence was imposed under the influence of passion, prejudice,
27 or other arbitrary factor;

28 (2) the evidence supports the finding of an aggravating factor under
29 AS 12.58.030 and whether the jury has properly considered mitigating factors under
30 AS 12.58.040;

31 (3) the sentence is excessive or disproportionate to the penalty imposed

1 in similar cases, considering both the crime and the defendant; and

2 (4) any other issue that the defendant may raise as a point on appeal.

3 (c) In its consideration of an automatic appeal under (a) and (b) of this section,
4 the supreme court

5 (1) may not require the defendant to file a notice of appeal unless the
6 defendant raises an issue as a point on appeal under (b)(4) of this section;

7 (2) may not require the defendant to pay a fee;

8 (3) shall designate the entire record of the proceedings before the
9 sentencing court as the record on appeal;

10 (4) shall prepare the transcript of the proceedings for the record on
11 appeal at public expense; and

12 (5) may not require the defendant to submit and file a brief unless the
13 defendant raises an issue as a point on appeal under (b)(4) of this section.

14 **Sec. 12.58.110. Issuance of death warrant.** If the supreme court upholds a
15 judgment of conviction and sentence of death, the court shall issue a death warrant that
16 specifies a date of execution. The specified date of execution must be not less than 30
17 days nor more than 60 days after the date of the warrant. The death warrant shall be
18 delivered to the commissioner of corrections.

19 **Article 3. Administration of the Death Penalty.**

20 **Sec. 12.58.200. Administration of the death penalty.** The commissioner shall
21 establish a procedure for the execution of a sentence of death ordered by the state
22 supreme court at the time and place legally appointed.

23 **Sec. 12.58.210. Execution under supreme court death warrant.** After
24 receiving a supreme court warrant issued under AS 12.58.110, the commissioner shall
25 specify the time and place of execution.

26 **Sec. 12.58.220. Manner of execution.** (a) The punishment of death shall be
27 inflicted by continuous, intravenous administration of a lethal dose of sodium
28 thiopental until death is pronounced by a licensed physician.

29 (b) A death sentence shall be carried out within a state correctional facility.

30 **Sec. 12.58.230. Return of death warrant.** After the execution, the
31 commissioner shall make a return upon the death warrant showing the time and place

1 in which the defendant was executed.

2 **Article 4. Stay of Execution.**

3 **Sec. 12.58.300. Incompetency or pregnancy of person sentenced to death.**

4 If, after a sentence of death is imposed, the commissioner has reason to believe that
5 the defendant has become incompetent to proceed with the execution or that the
6 defendant is pregnant, the commissioner shall immediately give written notice to the
7 court in which the sentence of death was imposed, the prosecuting attorney, and
8 counsel for the defendant. The execution of sentence shall be stayed pending further
9 order of the court.

10 **Sec. 12.58.310. Examination into competency.** (a) On receipt of notice under
11 AS 12.58.300 that the defendant is believed to be incompetent, the sentencing court
12 shall examine the mental condition of the defendant in the same manner as provided
13 for examining persons for competency to stand trial under AS 12.47.070.

14 (b) If the sentencing court finds that the defendant is incompetent, the court
15 shall immediately certify that finding to the supreme court and the commissioner and
16 shall enter an order for commitment in the same manner as provided for commitment
17 under AS 12.47.110.

18 (c) If the sentencing court finds that the defendant is competent, the court shall
19 immediately certify the finding to the supreme court and the commissioner. The
20 supreme court shall issue and deliver another warrant to the commissioner under
21 AS 12.58.110, together with a copy of the certified finding. Unless the sentencing
22 court's finding is appealed in accordance with applicable court rule, the warrant shall
23 specify a date of execution that is not less than 30 days nor more than 60 days after the
24 date of the warrant.

25 **Sec. 12.58.320. Disposition pending pregnancy.** (a) If the defendant is
26 pregnant, the sentencing court shall immediately certify that finding to the supreme
27 court and the commissioner. The supreme court shall issue an order staying the
28 execution of the sentence of death during the pregnancy.

29 (b) When the defendant is no longer pregnant, the sentencing court shall
30 immediately certify the finding to the supreme court and the commissioner. The
31 supreme court shall issue and deliver another warrant under AS 12.58.110, together

1 with a copy of the certified finding. Unless the sentencing court's finding is appealed
 2 under applicable court rule, the warrant shall specify a date of execution not less than
 3 30 days nor more than 60 days after the date of the warrant.

4 **Article 5. General Provisions.**

5 **Sec. 12.58.900. Definitions.** In this chapter,

- 6 (1) "commissioner" means the commissioner of corrections;
 7 (2) "department" means the Department of Corrections."
 8

9 Renumber the following bill sections accordingly.

10
 11 Page 4, following line 1:

12 Insert new bill sections to read:

13 *** Sec. 25.** AS 22.07.020(a) is amended to read:

14 (a) The court of appeals has appellate jurisdiction in actions and proceedings
 15 commenced in the superior court involving

16 (1) criminal prosecution, except prosecution for a capital felony for
 17 which a death sentence is imposed;

18 (2) post-conviction relief;

19 (3) matters under AS 47.12, including waiver of jurisdiction over a
 20 minor under AS 47.12.100;

21 (4) extradition;

22 (5) habeas corpus;

23 (6) probation and parole; and

24 (7) bail.

25 *** Sec. 26.** AS 22.07.020(b) is amended to read:

26 (b) Except as limited in AS 12.55.120 and in this subsection, the court of
 27 appeals has jurisdiction to hear appeals of unsuspended sentences of imprisonment
 28 exceeding two years for a felony offense or 120 days for a misdemeanor offense
 29 imposed by the superior court on the grounds that the sentence is excessive, or a
 30 sentence of any length on the grounds that it is too lenient. The court of appeals, in the
 31 exercise of this jurisdiction, may modify the sentence as provided by law and the state

1 constitution. The court of appeals does not have jurisdiction to hear appeals of
2 death sentences.

3 * Sec. 27. AS 47.12.030(a) is amended to read:

4 (a) When a minor who was at least 16 years of age at the time of the offense is
5 charged by complaint, information, or indictment with an offense specified in this
6 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense
7 for which the minor is charged or to any additional offenses joinable to it under the
8 applicable rules of court governing criminal procedure. The minor shall be charged,
9 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as
10 an adult. If the minor is convicted of an offense other than an offense specified in this
11 subsection, the minor may attempt to prove, by a preponderance of the evidence, that
12 the minor is amenable to treatment under this chapter. If the court finds that the minor
13 is amenable to treatment under this chapter, the minor shall be treated as though the
14 charges had been heard under this chapter, and the court shall order disposition of the
15 charges of which the minor is convicted under AS 47.12.120(b). The provisions of this
16 subsection apply when the minor is charged by complaint, information, or indictment
17 with an offense

18 (1) that is a capital felony, an unclassified felony, or a class A felony
19 and the felony is a crime against a person;

20 (2) of arson in the first degree;

21 (3) that is a class B felony and the felony is a crime against a person in
22 which the minor is alleged to have used a deadly weapon in the commission of the
23 offense and the minor was previously adjudicated as a delinquent or convicted as an
24 adult, in this or another jurisdiction, as a result of an offense that involved use of a
25 deadly weapon in the commission of a crime against a person or an offense in another
26 jurisdiction having elements substantially identical to those of a crime against a
27 person, and the previous offense was punishable as a felony; in this paragraph, "deadly
28 weapon" has the meaning given in AS 11.81.900(b); or

29 (4) that is misconduct involving weapons in the first degree under

30 (A) AS 11.61.190(a)(1); or

31 (B) AS 11.61.190(a)(2) when the firearm was discharged under

1 circumstances manifesting substantial and unjustifiable risk of physical injury
2 to a person.

3 * Sec. 28. AS 47.12.100(c) is amended to read:

4 (c) For purposes of making a determination under this section,

5 (1) the standard of proof is by a preponderance of the evidence; and

6 (2) the burden of proof that a minor is not amenable to treatment under

7 this chapter is on the state; however, if the petition filed under AS 47.12.040 seeking

8 to have the court declare a minor a delinquent is based on the minor's alleged

9 commission of an offense that is a capital felony, an unclassified felony, or a class A

10 felony and that is a crime against a person, the minor

11 (A) is rebuttably presumed not to be amenable to treatment

12 under this chapter; and

13 (B) has the burden of proof of showing that the minor is

14 amenable to treatment under this chapter.

15 * Sec. 29. The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 APPLICABILITY TO CRIMINAL RULES. AS 12.58, added by sec. 21 of this Act,

18 has the effect of modifying the sentencing provisions of Rules 32, 32.1, and 32.3, Alaska

19 Rules of Criminal Procedure, by establishing exclusive procedures for imposition of death

20 sentence by a trial court and by authorizing automatic appeal of those sentences to the Alaska

21 Supreme Court.

22 * Sec. 30. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 APPLICABILITY TO APPELLATE RULES. AS 12.58.100, added by sec. 21 of this

25 Act, has the effect of amending Rules 204, 209, 210, and 212, Alaska Rules of Appellate

26 Procedure, by establishing procedures and limitations on procedures relating to the filing and

27 disposition of appeals of sentences in cases in which the death penalty is imposed."

28

29 Renumber the following bill sections accordingly.

30

31 Page 4, line 4:

- 1 Delete "This Act applies"
- 2 Insert "Sections 9 and 22 - 24 of this Act apply"
- 3
- 4 Page 4, line 8:
 - 5 Delete "sec. 1"
 - 6 Insert "sec. 9"
 - 7
- 8 Page 4, line 9:
 - 9 Delete "sec. 3"
 - 10 Insert "sec. 23"

#5 Adopted

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE CHENAULT

TO: HCS CS SB 185(FIN), Version 25-LS0985VL

- 1 Page 2, line 6
- 2 Delete "shal!"
- 3 Insert "may"
- 4
- 5 Page 2, line 7
- 6 After "AS 11.41.410"
- 7 Insert "or AS 11.41.434"
- 8
- 9 Page 2, line 8
- 10 Delete "14"
- 11 Insert "13"
- 12
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Grava Amend to FAIBS
~~*Amend*~~
leave @ 14
(delete 9-11)
11

Adopted

AMENDMENT 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE CHENAULT

TO: HCS CS SB 185(FIN), Version 25-LS0985L

- 1 Page 2, line 6
- 2 Delete "shall"
- 3 Insert "may"
- 4
- 5 Page 2, line 7
- 6 After "AS 11.41.410"
- 7 Insert "or AS 11.41.434"
- 8
- 9 Page 2, line 8
- 10 Delete "14"
- 11 Insert "13"
- 12 3
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Adopted

25-LS0985L
Luckhaupt
4/8/08

HOUSE CS FOR CS FOR SENATE BILL NO. 185(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS WIELECHOWSKI, Ellis, Elton, McGuire, Dyson, Olson, French
REPRESENTATIVE Doll

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the central registry of sex offenders and child kidnappers, to
2 penalties for certain sex offenders, and to the registration requirements for sex offenders
3 and child kidnappers; and providing for an effective date."

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

5 * Section 1. AS 11.56.840(a) is repealed and reenacted to read:

6 (a) A person commits the crime of failure to register as a sex offender or child
7 kidnapper in the second degree if the person fails, as required by AS 12.63.010, to

8 (1) register;

9 (2) file written notice of

10 (A) change of residence;

11 (B) change of mailing address;

12 (C) establishment of an electronic or messaging address or any
13 change to an electronic or messaging address; or

14 (D) establishment of an Internet communication identifier or

- 1 any change to an Internet communication identifier;
2 (3) file the annual or quarterly written verification; or
3 (4) supply accurate and complete information required to be submitted
4 under (1) - (3) of this subsection.

5 * Sec. 2. AS 12.55.015 is amended by adding a new subsection to read:

6 (j) In addition to penalties authorized by this section, the court shall order a
7 defendant convicted of a violation of AS 11.41.410 where the victim of the offense
8 was under 14 years of age to be subject to electronic monitoring up to the maximum
9 length of probation on the person's release from a correctional facility.

10 * Sec. 3. AS 12.63.010(b) is amended to read:

11 (b) A sex offender or child kidnapper required to register under (a) of this
12 section shall register with the Department of Corrections if the sex offender or child
13 kidnapper is incarcerated or in person at the Alaska state trooper post or municipal
14 police department located nearest to where the sex offender or child kidnapper resides
15 at the time of registration. To fulfill the registration requirement, the sex offender or
16 child kidnapper shall

- 17 (1) complete a registration form that includes, at a minimum,
18 (A) the sex offender's or child kidnapper's name, address, place
19 of employment, and date of birth;
20 (B) each conviction for a sex offense or child kidnapping for
21 which the duty to register has not terminated under AS 12.63.020, the date of
22 the sex offense or child kidnapping convictions, the place and court of the sex
23 offense or child kidnapping convictions, and whether the sex offender or child
24 kidnapper has been unconditionally discharged from the conviction for a sex
25 offense or child kidnapping and the date of the unconditional discharge; if the
26 sex offender or child kidnapper asserts that the offender or kidnapper has been
27 unconditionally discharged, the offender or kidnapper shall supply proof of
28 that discharge acceptable to the department;
29 (C) all aliases used;
30 (D) the sex offender's or child kidnapper's driver's license
31 number;

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

4 (F) any identifying features of the sex offender or child
5 kidnapper;

6 (G) anticipated changes of address; [AND]

7 (H) a statement concerning whether the offender or kidnapper
8 has had treatment for a mental abnormality or personality disorder since the
9 date of conviction for an offense requiring registration under this chapter; and

10 (I) each electronic mail address, instant messaging address,
11 and other Internet communication identifier used by the sex offender or
12 child kidnapper;

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

16 * Sec. 4. AS 12.63.010(c) is amended to read:

17 (c) If a sex offender or child kidnapper changes residence after having
18 registered under (a) of this section, the sex offender or child kidnapper shall provide
19 written notice of the change by the next working day following the change to the
20 Alaska state trooper post or municipal police department located nearest to the new
21 residence or, if the residence change is out of state, to the central registry. If a sex
22 offender or child kidnapper establishes or changes an electronic mail address,
23 instant messaging address, or other Internet communication identifier, the sex
24 offender or child kidnapper shall, by the next working day, notify the department
25 in writing of the changed or new address or identifier.

26 * Sec. 5. AS 18.65.087 is amended by adding a new subsection to read:

27 (i) Notwithstanding (b) of this section, the department may provide a method
28 for, or may participate in a federal program that allows, the public to submit an
29 electronic or messaging address or Internet identifier and receive a confirmation of
30 whether the address or identifier has been registered by a registered sex offender or
31 child kidnapper.

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

3 APPLICABILITY. (a) Sections 1 and 3 - 5 of this Act apply to persons convicted of
4 sex offenses or child kidnapping before, on, or after the effective date of this Act whose duty
5 to register as a sex offender or child kidnapper has not expired under AS 12.63.010(d)(1) on
6 the effective date of this Act.

7 (b) Section 2 of this Act applies to persons convicted of offenses committed on or
8 after the effective date of this Act.

9 (c) Notwithstanding AS 11.56.840(a), repealed and reenacted by sec. 1 of this Act,
10 and AS 12.63.010(c), amended by sec. 4 of this Act, a sex offender or child kidnapper whose
11 duty to register as a sex offender or child kidnapper arose

12 (1) on or before December 31, 2008, does not have to initially report
13 electronic or messaging addresses or Internet communication identifiers to the Department of
14 Public Safety until the date that the sex offender or child kidnapper's next annual, or quarterly
15 if applicable, written verification is due; after the initial report of addresses and identifiers is
16 due, the sex offender or child kidnapper shall report the establishment of an electronic or
17 messaging address, or any changes to those addresses, or the establishment of an Internet
18 communication identifier, or any change to an identifier, as required by AS 11.56.840 and
19 AS 12.63.010;

20 (2) on or after January 1, 2009, shall report electronic or messaging addresses
21 or Internet communication identifiers, and changes to addresses and identifiers, to the
22 Department of Public Safety as required by AS 12.63.010.

23 * Sec. 7. This Act takes effect January 1, 2009.

4/7/08

years
rescued

woman who is allegedly mentally deficient, 31 ALR3d 1227.

Consent as defense in prosecution for sodomy, 58 ALR3d 636.

Multiple instances of forcible intercourse involving same defendant and same victim as constituting multiple crimes of rape, 81 ALR3d 1228.

What constitutes offense of "sexual battery," 87 ALR3d 1250.

Constitutionality of rape laws limited to protection of females only, 99 ALR3d 129.

Validity and construction of statute defining crime of rape to include activity traditionally punishable as sodomy or the like, 3 ALR4th 1009.

Liability of parent for injury to unemancipated child caused by parent's negligence — modern cases, 6 ALR4th 1066.

Entrapment defense in sex offense prosecutions, 12 ALR4th 413.

Validity of sodomy statute, 20 ALR4th 1009.

Criminal responsibility of husband for rape, or assault to commit rape, on wife, 24 ALR4th 105.

Necessity for corroboration of victim's testimony in prosecution for sexual offense, 31 ALR4th 120.

Admissibility of expert testimony on rape trauma syndrome, 42 ALR4th 879.

Mental examination to determine competency or credibility of complainant in sexual offense prosecution, 45 ALR4th 310.

Conviction of rape or related sexual offenses on basis of intercourse accomplished under the pretext of or in the course of medical treatment, 65 ALR4th 1064.

Seizure or detention for purpose of committing rape, robbery, or similar offense as constituting separate crime of kidnapping, 39 ALR5th 283.

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Sec. 11.41.410. Sexual assault in the first degree. (a) A person commits the crime of sexual assault in the first degree if

(1) the offender engages in sexual penetration with another person without consent of that person;

(2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;

(3) the offender engages in sexual penetration with another person

(A) who the offender knows is mentally incapable; and

(B) who is in the offender's care

(i) by authority of law; or

(ii) in a facility or program that is required by law to be licensed by the state; or

(4) the offender engages in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim.

(b) Sexual assault in the first degree is an unclassified felony and is punishable as provided in AS 12.55. (§ 3 ch 166 SLA 1978; am § 8 ch 102 SLA 1980; am § 6 ch 143 SLA 1982; am § 10 ch 78 SLA 1983; am § 1 ch 96 SLA 1988; am § 7 ch 3 SLA 1990; am § 5 ch 79 SLA 1992; am § 3 ch 30 SLA 1996; am § 1 ch 61 SLA 1996)

Cross references. — For evidence of past sexual contact in trials of sexual assault in any degree or attempt to commit sexual assault in any degree, see AS 12.65.045.

Editor's notes. — From May 16 through September 8, 1998, The Department of Administration under AS 47.23 or by the Department of Health and Social Services* appeared where "the state" may appear in AS 11.41.410.

Legislative history reports. — For a report on Chapter 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, No. 41, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 28, 1980.

For legislative letter of intent relating to the amendments to (a) of this section by ch. 96, SLA 1988 (CSHB 545 Judiciary), see 1988 House Journal 3065.

NOTES TO DECISIONS

- 1. General Consideration
- 2. Former Law
 - A. Generally
 - B. Age of Consent
 - C. Penetration

I. GENERAL CONSIDERATION.

History of first-degree sexual assault statute. See Reynolds's State, 661 P.2d 631 (Alaska Ct. App. 1992).

Constitutionality. — In order to prove a violation of AS 11.41.410(a)(1), the state must prove that the defendant knowingly obtained or sexual intercourse and recklessly disregarded the victim's lack of consent. Construed in this way, the statute does not

DAFF 127

ALASKA STATE LEGISLATURE

Session
State Capitol, Rm. 115
Juneau, AK 99801
(907) 465-2435
Fax: (907) 465-6615

Interim
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Anchorage, AK 99501
(907) 269-0120
Fax: (907) 269-0122



Co-chair
Joint Armed Services Committee

Member
Resources Committee
Judiciary Committee
Transportation Committee

Senator_Bill_Wielechowski@legis.state.ak.us

SENATOR BILL WIELECHOWSKI

Senate Bill 185

"An Act relating to sex offenders and child kidnappers."

Sponsor Statement

Senate Bill 185 will help prevent online sexual predators from preying on children or anyone else by requiring convicted sex offenders and child kidnappers to register their e-mail addresses, instant messaging addresses and any other internet communication identifiers with the Alaska Department of Public Safety. Currently sex offenders in Alaska must register their home address and place of employment with the Department's publicly searchable online database. This would be another category of information to be added to that database. Requiring sex offenders to register their online identities gives parents, kids, and law enforcement a new and effective weapon to repel internet predators.

In the future, data generated under this bill may be used by internet service providers and internet security firms to prevent children from receiving messages from convicted sex offenders or warn parents of the sender's status. In order for these services to be developed, states must take the first step and make the data available.

The internet will likely never be a completely safe place, and parents need to take an active role in making sure their children use the internet responsibly. SB 185 merely gives us a new tool we can use to help protect our selves and our families.

I encourage you to support this legislation.

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Representative Kevin Meyer
April 8, 2008
Page 2

Finally, as a bit of reference to the committee, the maximum period of probation for a felony sex offense is 25 years³ with a mandatory period of probation of 15 years⁴ for an unclassified felony sex offense,⁵ following the offender's prison term imposed under AS 12.55.125(i). See AS 12.55.125(o).

GPL:ljw
08-214.ljw

Enclosure

³ See AS 12.55.090(c).

⁴ With an additional five year sentence of imprisonment suspended.

⁵ Sexual assault in the first degree, AS 11.41.41, and sexual abuse of a minor in the first degree, AS 11.41.434, are unclassified felony sex offenses.

FAX COVER SHEET

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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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HOUSE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

Introduced:

Referred:

A RESOLUTION

1 Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State
2 Legislature, concerning Senate Bill No. 185, relating to the central registry of sex
3 offenders and child kidnappers and to the registration requirements for sex offenders
4 and child kidnappers.

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

6 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of
7 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding
8 changes to the title of a bill, are suspended in consideration of Senate Bill No. 185, relating to
9 the central registry of sex offenders and child kidnappers and to the registration requirements
10 for sex offenders and child kidnappers.

ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

**Business Manager**Joseph Young
Anchorage**Board of Directors**Angella Long, President
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Pres. Aleutian Islands ChapterKelly Shover, Member
Wrangell
Pres. Wrangell ChapterScott McCumby, Member
Valdez
Pres. Port of Valdez Chapter

January 24, 2008

Senator Bill Wielechowski
Alaska State Senate
State Capitol
Juneau AK 99801-1182

Dear Senator Wielechowski:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing SB 185, an act relating to sex offenders and child kidnappers.

The APOA State Board's Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

We thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Angella Long
State President

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 246106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Matt Belzen, Member
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Pres. Aleutian Islands Chapter

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State Capitol
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Sincerely,

Angella Long
State President

AK Senate Bipartisan Working Group

Cowdery Davis Ellis Elton French Green Hoffman Huggins Kookesh McGulre Olson Today is Jan. 23rd
Thomas Wielechowski Stedman Stevens



Alaska State Legislature



Senator Bill Wielechowski

Press Release • July 19, 2007

CONTACT: Senator.Bill.Wielechowski@legis.state.ak.us • Room 115 Capitol Bldg. • (907) 465-2435

Bill Prefiled for Upcoming Session Would Require Sex Offenders to Register e-mail Addresses

Helps Law Enforcement to Track Predators in Cyberspace

(ANCHORAGE) – A bill to help prevent online sexual predators from preying on children or anyone else is being prepared by Sen. Bill Wielechowski (D – Anchorage) for the 2008 legislative session. The bill requires convicted sexual offenders and child kidnappers to register their e-mail addresses, instant messaging addresses or any other Internet communication identifiers with the Alaska Department of Public Safety.

"The Internet has become a hunting ground for sex offenders and they're preying on our children," said Wielechowski. "Nationwide, one in five children have been sexually solicited online; and Alaska has the highest rate of internet use per capita."

The legislation also requires the sex offender or child kidnapper to notify the department in writing within five days of any changes to their e-mail address or identifier.

Arizona, Kentucky and Virginia already require sex offenders to register their e-mail addresses and at least a dozen other states are considering similar legislation. The popular networking site MySpace.com is on the record supporting this type of legislation.

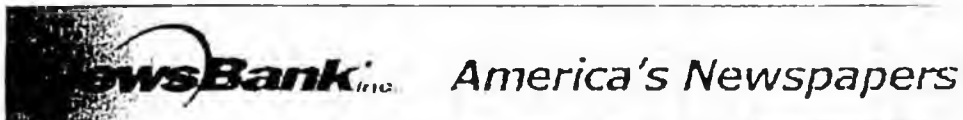
Senator Wielechowski has pre-filed this legislation for the upcoming 2008 session.

For more information, contact Senator Wielechowski at (907) 269-0120.

###

- Print Forward this page
- http://www.aksenate.org/wielechowski/071907_prefiled_bill_sex_offender_register.pdf

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SEXUAL PREDATORS RIDE THE INTERNET INTO HOMES ACROSS AMERICA

Seattle Post-Intelligencer - May 6, 1997

Author: VANESSA HO, P-I Reporter

When a Federal Way mother posed as a teenager online to catch her son's molester, she also put the spotlight on the problem of sexual predators finding victims on the Internet.

The Internet and online services offer instant access to the world, but authorities say that access has a price: It's an easy way for predators to enter the homes of teens and children, who think nothing of spending hours talking with strangers at their computer keyboards. Through the unreined world of chat rooms, predators lure children with promises of support, money and a new home, experts say. In some cases, they molest them, or exploit them with pornography; in other cases, teens run away to be with them.

"It's a systemic problem, it's very bad, and we in the FBI are taking it very seriously," said Larry Foust, spokesman for the FBI Baltimore division in Maryland, where an Internet-related abduction and murder of a child in 1993 prompted a national investigation into online pedophiles.

Investigators were shocked at how widespread the crimes were, Foust said. "And it was only the tip of the iceberg." So far, the investigation has resulted in 96 arrests for child pornography or for luring a child across state lines for illicit sex. There have been 89 convictions.

Foust said that in one case, two suspects not only lured children through the Internet and then molested them, but also took pictures of them to distribute online.

He said sexual predation on the Internet is worse than on the streets "because you can lock your door and stay inside, and they can still penetrate the sanctity of your house."

Millions of people use the Internet, and most do so with no problems, authorities say. But cases of online crimes serve as a reminders of danger:

In February, a man was arrested in California after communicating with a 13-year-old boy for three months and flying across the country to meet him for a sexual encounter.

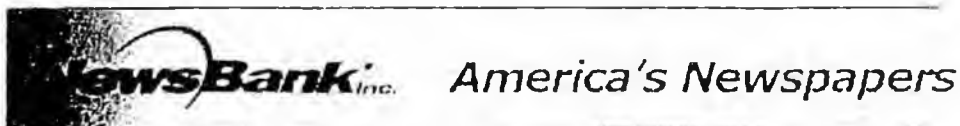
In December, a Connecticut man was arrested after talking online with a 13-year-old girl, sending her indecent material and driving 100 miles to meet her for sex.

Last month, a 14-year-old girl from suburban Rochester, N.Y., returned home after disappearing for four months with a 22-year-old Air Force deserter she met in a chat room devoted to vampire fantasies.

In 1995, Daniel Montgomery, a 15-year-old Maple Valley boy, ran away for two weeks to San Francisco to meet someone he met online.

The growing number of cases also illuminates hurdles facing police agencies, which often lack resources and money to investigate online crimes.

"We see that this is a growing problem, and it's something we'll be dealing with more and more," said Casey Johnson, a detective with the King County police Special Assault Unit. "The problem is money and bodies."



Cyber-stalking

News & Observer, The (Raleigh, NC) - July 30, 2007

Child predators didn't spring up from the fertile soil of the Internet. Physical and sexual abuse of children are age-old problems. But the Internet has brought a whole new aspect to child predation.

Computers in the home are ubiquitous. Kids easily master the machines, and they find the technology inviting. Meanwhile, adults who make it their business to become experts at stalking children have discovered social networking sites that are popular with young people. Using the sites, stalkers can zero in on kids from several states away, in relative anonymity, rather than from the bench near the swing set at the neighborhood park.

If there were any questions about the extent of the problem, good work by state Attorney General Roy Cooper has pried loose an answer. To combat predators, Cooper and attorneys general from several other states asked one of the more popular social sites, MySpace, to reveal the names of sex offenders who use the site. MySpace reluctantly complied in May, reporting about 7,000 offenders across the country on the site (245 of them were sex offenders registered in North Carolina).

The company updated its list last week. It now says that more than 29,000 offenders have MySpace profiles. And MySpace is just one of several social sites. Two years ago, a 34-year-old former Wake County sheriff's deputy posed as a 19-year-old N.C. State University student on several sites, including MySpace. Today he is in prison for persuading two Triangle boys he met online, ages 14 and 15, to have sex with him.

The attorneys general are pressing for better regulation of the networking sites, both by the companies that operate them and in state law. Cooper wants North Carolina legislators to require parental permission for youngsters to create a profile. He combines that effort with an educational campaign showing parents and teachers how kids can surf the Web safely.

Cooper also is pushing a bill that would require convicted sex offenders who create profiles to provide authorities with their e-mail addresses and all other on-line identifiers. As it stands now, offenders must tell the public where they live and when they move to a new neighborhood. But they can mask themselves as a teen on the Internet and prey on youngsters with impunity. The bill deserves approval.

Some lawyers and online companies complain that Cooper's efforts endanger the First Amendment rights of corporations. So far there's no overreaching on the attorney general's part.

At the same time, Internet companies need to design their sites with the vulnerability of youngsters in mind. Sexual crimes and violence against kids have exploded as the Internet has matured.

If foot-dragging lawmakers need help deciding whether to vote for Cooper's initiative, here's an aid: Put Internet firms on one side of the scale, and vulnerable youngsters at risk of being sexually assaulted or killed by predators on the other. Cooper's instincts are right.

Edition: Final

Section: Editorial/Opinion

Page: A8

Index Terms: CRIME ; CHILDREN ; TEEN ; NC ; BILL ; Internet ; Roy Cooper ; Editorial

Record Number: jlz6dp89

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'THESE PREDATORS ARE NO LONGER ISOLATED'

Maine Sunday Telegram (Portland, ME) - October 11, 1998

Author: ERIC BLOM Staff Writer

The Internet has become a refuge for child molesters, a place to seek shelter from the social isolation and anger they often confront in real life.

Known molesters can be threatened by neighbors, featured on police handbills when they move into a neighborhood, harassed by fellow prisoners in jail, and isolated by watchful parents who tell children not to talk with strangers on the street. Online, predators are safe in the anonymity of made-up screen names. They can identify and target children at will. Pedophiles can share encouragement, support and advice with one another, describing child sexual abuse as pleasurable and natural, even beneficial to children.

"These predators are no longer isolated. They're part of a community on the Internet," said Colin Gabriel Hatcher, executive director of Cyberangels, a division of the Guardian Angels.

The most direct threat to children is online predation. Adults with a sexual interest in children can identify, contact and groom potential victims via the Internet.

No one is sure how common online predation has become. It's clearly involved in a small minority of all child sexual assaults.

Still, advocates for children say that online predation represents an entirely new kind of threat and poses risks that are difficult to address. The danger is growing as more children, and more adults with a sexual interest in children, go online.

"It has provided a whole new, additional venue for (predators) to operate," said Peter Banks, director of training for the National Center for Missing and Exploited Children. "Child molesters go where the children are, and the children are in cyberville."

Online predation also may be much more common than is generally recognized, he and other advocates for children said.

The anonymity of computer networks, the secretive nature of child sexual predators and the shame felt by many victims conspire to keep formal complaints down and the activity hidden.

"The number of people who are arrested is a very small number compared to the number of offenders out there," said Capt. Richard Wallikas of the Broome County (N.Y.) Sheriff's Department, which has an ongoing undercover operation online.

Banks agreed that police complaints are a poor measure of the problem.

"We don't fully understand, because of the nature of sexual victimization, how big a problem this is," Banks said. "Probably only one in 10 crimes gets reported."

Indeed, many of the incidents thus far have been discovered almost by accident.

For example, in July, Massachusetts police discovered that a 37-year-old Michigan man had met at least

two teen-age girls -- from Massachusetts and Georgia -- online and traveled to have sex with them. The man was caught after a sheriff's deputy saw a 16-year-old girl, chased by her father, running toward the man's car with a suitcase. The deputy became suspicious and accosted the driver.

Increasingly, online predation also is being detected through electronic undercover police operations.

Most recently, on Sept. 14, police arrested a Portland man on charges of distributing child pornography to an undercover police detective in New Hampshire. The Keene, N.H., detective was posing as a 14-year-old boy.

Michael Weeks, 23, allegedly sent the detective photos depicting boys involved in sex acts, said Portland Police Chief Michael Chitwood. Weeks also has been charged with molesting a 10-year-old Portland boy.

INFORMATION HIGHWAY

GETS THE WORD OUT

Direct contact between adult predators and children is not the only danger posed by online computer networks. Children also are threatened by the online communities that sexual predators are building on the Internet.

These burgeoning online pedophile networks indirectly threaten all children, not just those who use computers, said many advocates for children, federal police and social scientists.

Historically, shame and public condemnation have kept many pedophiles from assaulting children. Society uniformly condemns adult-child sex. Pedophiles seldom encounter other people who admit to a sexual desire for children, much less the illegal acts of raping, molesting or exploiting them.

"Traditionally, a good social control for pedophiles is condemnation," said Keith Durkin, a sociologist who has studied the use of online computers by pedophiles. "This has to be the most condemned form of human sexual behavior that there is."

The mainstream online community also condemns child molestation. Thousands of Web sites and forums have been established to fight the problem. Offenders' names are even being published on Web sites such as the one run by the Bangor Police Department.

However, in many other corners of the Internet, child molesters find advice and support that was not available to them prior to the growth of online computing.

"There's nothing to stop someone from advocating really horrible crimes against children" online, said Tracey O'Connell-Jay, executive director of WebWise Kids and the sister of a girl lured from home by an online predator in another state.

The Internet allows anyone to publish anything, of any length, for very little money. Freedom of speech is protected by the U.S. Constitution, even speech advocating child sexual abuse.

More than 8,000 sites on the World Wide Web encourage adults to have sex with children.

Some of these Web pages tell young people that they should never reveal their "secret" relationship with an adult. This is the opposite message from the one that child advocates say children need to hear. Other sites tell pedophiles how to locate school or playground addresses online before going away on vacation.

"These pages link to legitimate sites like Disney. Hello! If that doesn't raise red flags, I don't know what

will," said Debbie Mahoney, a California woman whose 12-year-old son was sexually assaulted by a man who later was charged with distributing child pornography online. Mahoney is founder of the advocacy group, Safeguarding Our Children -- United Mothers.

Newsgroups allow pedophiles from around the world to anonymously exchange messages of solace, share tips on how to lure children into sexual encounters and trade information on police strategies. Newsgroups are electronic bulletin boards where people from around the world post messages for others to read.

Durkin studied one such newsgroup in 1996 -- early in the growth of Internet popularity -- and found that it received about 200 new postings a month. He had no way to determine how many people read the postings without submitting their own messages.

Most of the people who posted articles admitted to being pedophiles. Many of their messages sought support from other newsgroup readers. A quarter of the users said they wanted to contact other pedophiles via telephone, mail, in-person meetings or electronic mail, Durkin found.

"Preferential child molesters who target boys have the capacity to victimize hundreds of young males," Durkin wrote in *Pedophiles in Cyberspace*, which is his article on the newsgroup. "If computer groups such as (this one) inspire only a few pedophiles to molest children, this would translate into hundreds -- even thousands -- of victims."

FINDING VALIDATION

FOR CRIMES, URGES

Other experts agree that propaganda advocating adult-child sex can increase the abuse of children.

"There's no crime in being a pedophile and suffering from those urges," said Douglas Rehman, a former Florida state police officer with extensive experience in online undercover operations.

"What you've got is people who have it under control before they get online and then they see there are all these other people with the same urges and interests."

Kenneth Lanning of the FBI Behavioral Science Unit explained the psychology behind this in his monograph, "Child Molesters: A Behavioral Analysis."

Many child molesters, he wrote, "spend their lives attempting to convince themselves that they are not immoral, not sexual deviants, or not criminals."

"They prefer to believe that they are high-minded, loving individuals whose behavior is misunderstood or politically incorrect at this time in history," Lanning wrote.

The Internet has made it possible for many more pedophiles to receive that kind of validation for their crimes from groups such as the North American Man Boy Love Association, or NAMBLA, which advocates adult-child sex.

"A group like NAMBLA now has an audience beyond its mailing list," Durkin said.

Literature from NAMBLA -- along with child pornography -- was found in the car allegedly used to transport 10-year-old Jeffrey Curley's body to the Great Works River in Maine after his murder and subsequent sexual assault last autumn. Charges are pending against two men in that case. It is not yet clear whether the material allegedly found in their possession came from the Internet or through the mail.

Still, material like the propaganda and pornography found in their vehicle is widely available online. And that material helps reduce the social control of shunning and shame that keeps many pedophiles from acting on their sexual impulses.

"These people who were hiding under a rock someplace are actively out there communicating with each other" and with children, Mahoney said.

Memo: The graphic accompanying this article HOW TO PROTECT CHILDREN must be read on microfilm

Edition: CITY

Section: FRONT

Page: 7A

Series: DANGER ONLINE Technology's threat to children

Record Number: 0002230511

Copyright (c) 1998 Maine Sunday Telegram

In the Federal Way case, the mother, posing as a teenager, received sexually explicit messages from the man and an offer to meet face-to-face and have sex. When the meeting was arranged last month, an undercover police officer arrested him. The man, Otis Fellows, pleaded guilty to a charge of second-degree child molestation, which stemmed from an incident in 1993. He faces sentencing on May 23.

Some online encounters between adults and children have resulted in heartache for parents, such as Kathy Newell of Eugene, Ore.

Last year, her 14-year-old daughter Channa befriended a 24-year-old woodworker in a chat room. A shaggy redhead who sometimes masqueraded as a medieval knight, the man came by to visit, and Newell said no way.

"I said, 'This girl is off-limits to you,' " she said. Her daughter didn't agree, and one morning last May, the man drove by Channa's high school, picked her up and disappeared.

"(Police) say she chose to go with him, but I say she was lured," Newell said.

At the National Center for Missing and Exploited Children, "online luring" makes up a small part of the center's overall cases, but the problems are increasing, said Gary Costello, director of the child exploitation unit at the Arlington, Va.-based center, a national clearinghouse for parents whose children have run away or were abducted.

This year, the center has received 11 reports of online luring, in which a child ran away after meeting an adult in cyberspace. Last year, the center handled seven such cases.

Although some teens have voluntarily left home, Costello treats them as children who were lured, as opposed to children who ran away.

"If someone came into the neighborhood, ended up talking to a child, befriending them, enticing them with promises of money and a better life, would you treat the case any differently?" he asked.

Parents should take a greater interest in their children's computer activities, Costello said. Often, when children spend hours alone on a computer, parents have no idea who they are meeting.

"Picture it like this: Would you let your 9- to 14-year-old go to the worst part of Seattle and walk the streets in the middle of the night?"

"That's what chat rooms are like, but the child can't see who is walking toward him," he said.

Johnson, the detective with the King County police Special Assault Unit, said online predators often target emotionally vulnerable children, who come from unstable families and have low self-esteem. So when an adult offers support, money and a new home, the child is at a disadvantage.

"When you get an adult who is methodically pulling a child out of his home, for whatever reasons, that's exploitation," he said.

Tips for parents

The National Center for Missing and Exploited Children offers these tips for parents to help children have safe cyber-chats.

Never give out personal information such as address, phone number or school name before verifying the receiver of the information.

Get to know the services your child uses. Learn how to log on. Find out what types of information the services offer and whether there are ways for parents to block out objectionable material.

Never allow a child to arrange a face-to-face meeting with another computer user without parental permission. Make sure the first meeting is in a public spot and be sure to accompany the child.

Never respond to messages or bulletin board items that are suggestive, obscene, belligerent, threatening or make you feel uncomfortable. If you receive one, forward a copy to your service provider.

More of the center's tips can be found at its site: <http://www.missingkids.org/childsafety.html>

Another helpful Web site is <http://www.yahooligans.com/docs/safety>

America Online offers members resources on how to report a violation in a chat room and what to do if a harassing message is received.

It also offers "parental controls" that restrict a child's access, with the caveat: "It's important to note that no system of controls makes up for good old-fashioned parental supervision."

Edition: Final

Section: News

Page: A1

Index Terms: TIPS, INTERNET, SEX CRIME, CHILDREN, SUMMARY, STATISTIC

Record Number: 9705060081

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Adopted - Amended

25-LS0985\L
Luckhaupt
4/8/08

**HOUSE CS FOR CS FOR SENATE BILL NO. 185(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

**Sponsor(s): SENATORS WIELECHOWSKI, Ellis, Elton, McGuire, Dyson, Olson, French
REPRESENTATIVE Doll**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the central registry of sex offenders and child kidnappers, to
2 penalties for certain sex offenders, and to the registration requirements for sex offenders
3 and child kidnappers; and providing for an effective date."

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

5 * Section 1. AS 11.56.840(a) is repealed and reenacted to read:

6 (a) A person commits the crime of failure to register as a sex offender or child
7 kidnapper in the second degree if the person fails, as required by AS 12.63.010, to

8 (1) register;

9 (2) file written notice of

10 (A) change of residence;

11 (B) change of mailing address;

12 (C) establishment of an electronic or messaging address or any
13 change to an electronic or messaging address; or

14 (D) establishment of an Internet communication identifier or

- 1 any change to an Internet communication identifier;
- 2 (3) file the annual or quarterly written verification; or
- 3 (4) supply accurate and complete information required to be submitted
- 4 under (1) - (3) of this subsection.

11.41.434 m.c.

* Sec. 2. AS 12.55.015 is amended by adding a new subsection to read:

6 (j) In addition to penalties authorized by this section, the court shall order a
 7 defendant convicted of a violation of AS 11.41.410 where the victim of the offense
 8 was under 14 years of age to be subject to electronic monitoring up to the maximum
 9 length of probation on the person's release from a correctional facility.

may m.c.

* Sec. 3. AS 12.63.010(b) is amended to read:

11 (n) A sex offender or child kidnapper required to register under (a) of this
 12 section shall register with the Department of Corrections if the sex offender or child
 13 kidnapper is incarcerated or in person at the Alaska state trooper post or municipal
 14 police department located nearest to where the sex offender or child kidnapper resides
 15 at the time of registration. To fulfill the registration requirement, the sex offender or
 16 child kidnapper shall

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

18 (A) the sex offender's or child kidnapper's name, address, place
 19 of employment, and date of birth;

20 (B) each conviction for a sex offense or child kidnapping for
 21 which the duty to register has not terminated under AS 12.63.020, the date of
 22 the sex offense or child kidnapping convictions, the place and court of the sex
 23 offense or child kidnapping convictions, and whether the sex offender or child
 24 kidnapper has been unconditionally discharged from the conviction for a sex
 25 offense or child kidnapping and the date of the unconditional discharge; if the
 26 sex offender or child kidnapper asserts that the offender or kidnapper has been
 27 unconditionally discharged, the offender or kidnapper shall supply proof of
 28 that discharge acceptable to the department;

29 (C) all aliases used;

30 (D) the sex offender's or child kidnapper's driver's license
 31 number;

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

4 (F) any identifying features of the sex offender or child
5 kidnapper;

6 (G) anticipated changes of address; [AND]

7 (H) a statement concerning whether the offender or kidnapper
8 has had treatment for a mental abnormality or personality disorder since the
9 date of conviction for an offense requiring registration under this chapter; and

10 (I) each electronic mail address, instant messaging address,
11 and other Internet communication identifier used by the sex offender or
12 child kidnapper;

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

16 * Sec. 4. AS 12.63.010(c) is amended to read:

17 (c) If a sex offender or child kidnapper changes residence after having
18 registered under (a) of this section, the sex offender or child kidnapper shall provide
19 written notice of the change by the next working day following the change to the
20 Alaska state trooper post or municipal police department located nearest to the new
21 residence or, if the residence change is out of state, to the central registry. If a sex
22 offender or child kidnapper establishes or changes an electronic mail address,
23 instant messaging address, or other Internet communication identifier, the sex
24 offender or child kidnapper shall, by the next working day, notify the department
25 in writing of the changed or new address or identifier.

26 * Sec. 5. AS 18.65.087 is amended by adding a new subsection to read:

27 (i) Notwithstanding (b) of this section, the department may provide a method
28 for, or may participate in a federal program that allows, the public to submit an
29 electronic or messaging address or Internet identifier and receive a confirmation of
30 whether the address or identifier has been registered by a registered sex offender or
31 child kidnapper.

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

3 APPLICABILITY. (a) Sections 1 and 3 - 5 of this Act apply to persons convicted of
4 sex offenses or child kidnapping before, on, or after the effective date of this Act whose duty
5 to register as a sex offender or child kidnapper has not expired under AS 12.63.010(d)(1) on
6 the effective date of this Act.

7 (b) Section 2 of this Act applies to persons convicted of offenses committed on or
8 after the effective date of this Act.

9 (c) Notwithstanding AS 11.56.840(a), repealed and reenacted by sec. 1 of this Act,
10 and AS 12.63.010(c), amended by sec. 4 of this Act, a sex offender or child kidnapper whose
11 duty to register as a sex offender or child kidnapper arose

12 (1) on or before December 31, 2008, does not have to initially report
13 electronic or messaging addresses or Internet communication identifiers to the Department of
14 Public Safety until the date that the sex offender or child kidnapper's next annual, or quarterly
15 if applicable, written verification is due; after the initial report of addresses and identifiers is
16 due, the sex offender or child kidnapper shall report the establishment of an electronic or
17 messaging address, or any changes to those addresses, or the establishment of an Internet
18 communication identifier, or any change to an identifier, as required by AS 11.56.840 and
19 AS 12.63.010;

20 (2) on or after January 1, 2009, shall report electronic or messaging addresses
21 or Internet communication identifiers, and changes to addresses and identifiers, to the
22 Department of Public Safety as required by AS 12.63.010.

23 * Sec. 7. This Act takes effect January 1, 2009.

SB

185

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/3/08

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SENATE BILL NO. 185

SB 185 SEX OFFENDER/CHILD KIDNAPPER REGISTRATION

"An Act relating to sex offenders and child kidnappers."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS SB 185 (STF)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
COR	4/8/08			✓	
ADM	2/4/08			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	1/28/08			✓	2
LAW	2/22/08			✓	3
DPS	2/28/08	✓			4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Dyson	✓			
	HUGGINS	✓			
	OLSON	✓			
CO-CHAIR:		✓			
CO-CHAIR:	STEDMAN	✓			

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 185
() Publish Date: _____

Identifier (file name): SB185-DOA-OPA-2-04-08 Dept. Affected: Administration
Title: "An Act relating to sex offenders and child kidnappers..." RDU: Legal and Advocacy Services
Component: Office of Public Advocacy
Sponsor: Senator Wielechowski
Requester: _____ Component Number: 43

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This bill expands the requirements for sex offender registration by adding the requirement of providing any electronic messaging address or internet identifier or any change in this information, and it amends the crime of failure to register as a sex offender or child kidnapper accordingly. While it is possible that this bill could have a fiscal impact on the agency by expanding the conduct that could trigger prosecution for failure to register as a sex offender, it cannot be predicted at this time. Therefore, OPA submits a zero fiscal note.

Prepared by: Joshua P. Fink, Director
Division: Office of Public Advocacy
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone: 907-269-3501
Date/Time: 2/4/08, 12:00 p.m.
Date: 2/4/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB185-DOC-OC-02-08-08
() Publish Date: _____

Identifier (file name): SB185-DOC-OC-02-08-08 Dept. Affected: Corrections
Title: "An Act relating to sex offenders and child kidnappers." RDU: Administration and Operations
Component: Office of the Commissioner
Sponsor: Senators Wielechowski & Ellis
Requester: Senate State Affairs Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Gillin, Director
Division: Administrative Services
Approved by: Dwayne Peoples, Deputy Commissioner
Department of Corrections

Phone: (907) 465-3339
Date/Time: 2/8/08 1:25 PM
Date: 2/8/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 185(STA)
(S) Publish Date: 2/19/08

Identifier (file name): SB185-DOA-PDA-1-28-08 Dept. Affected: Administration
Title: "An Act relating to sex offenders and child kidnappers..." RDU: Legal and Advocacy Services
Component: Public Defender Agency
Sponsor: Senator Wielechowski
Requester: _____ Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

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

This bill amends the requirements for sex offense registration by adding the requirement of providing any electronic messaging address or internet identifier or any change in this information, and amends the crime of failure to register as a sex offender or child kidnapper accordingly. This bill is not expected to have a fiscal impact on the Agency.

Prepared by: Quinlan Steiner, Director
Division: Public Defender Agency
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-334-4414
Date/Time 1/28/08 11:00 AM
Date 1/28/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSSB 185(STA)
(S) Publish Date: 3/3/08

Identifier (file name): _____ Dept. Affected: LAW
Title An Act relating to sex offenders and child kidnappers. RDU Criminal
Component Criminal Justice Litigation
Sponsor SENATOR(S) WIELECHOWSKI
Requester SENATE JUDICIARY Component Number _____

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

SB 185 amends the crime of failure to register as a sex offender by providing that failure to submit an electronic address or a change of electronic address would be prohibited. The department does not expect a significant fiscal impact as a result of this bill.

Prepared by: Robert Meiners, Administrative Services Manager
Division: Administrative Services Division
Approved by: Talis Colberg, Attorney General
Department of Law

Phone 907-465-5427
Date/Time 2/22/08 1:40 PM
Date 2/22/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSSB 185(STA)
(S) Publish Date: 3/3/08

Identifier (file name): SB185CS(STA)-DPS-R&I-02-28-08 Dept. Affected: Public Safety
Title: "An Act relating to sex offenders and child kidnappers." RDU: Statewide Support
Component: Records & Identification
Sponsor: Senator Wielechowski
Requester: Senate Judiciary Committee Component Number: 1190

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual	42.0		42.0	42.0	42.0	42.0	42.0	42.0
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	42.0	0.0	42.0	42.0	42.0	42.0	42.0	42.0

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

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

1002 Federal Receipts								
1003 GF Match								
1004 GF	42.0							
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	42.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation requires sex offenders and child kidnappers to provide more extensive registration information than is currently required under AS 12.63.010 and consequently collected and maintained by the department.

Sex offender and child kidnapper registration information is entered into and maintained electronically in the state's central criminal history repository, the Alaska Public Safety Information Network (APSIN). Information is obtained from forms completed by offenders at initial registration, annual or quarterly verification, and upon a qualifying change in the offender's information. (Continued)

Prepared by: David Schado, Director
Division: Statewide Services
Approved by: Walt Monegan, Commissioner
Department of Public Safety

Phone: (907) 269-0202
Date/Time: 2/28/08 8:50 AM
Date: _____

FISCAL NOTE # 4

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. CSSB 185(STA)

ANALYSIS CONTINUATION

This legislation will require the department to revise its forms to include fields for offenders to report all Internet identifiers and addresses (e.g. email and instant messaging addresses) used by the offender. There is no fiscal impact anticipated as a result of making the forms revisions.

Significant new business logic would be needed to capture, manage, and interpret timeframes associated with various Internet identifiers. In addition to email and instant messaging addresses, Internet identifiers include any designations or monikers used for self-identification in Internet communications or postings on social networking sites (Facebook, MySpace, LinkedIn) and gaming (WoW, Second Life), potentially thousands per user, each with a variety of properties. Because the Internet is very dynamic with new services being created monthly (many of which quickly have millions of registrants) there will be an ongoing requirement to add new Internet identifiers and types to any database system that needs to track this information.

For the first year, considerable analysis, programming, and data entry changes in APSIN and the Sex Offender Registration (SOR) office's application will be necessary to add data fields for the entry of all Internet identifiers and addresses reported as being used by an offender. The programming changes and associated costs assume that the data is for the mainframe APSIN system and the SOR office application only. Changes to the public website display are not included nor are the cost of any reports. Costs are based on \$85 per hour.

Computation:

- Analysis during project: 80 hours
- Modify mainframe and screens (new screen for amount of data) and database to capture and store updates: 120 hours
- Mainframe database coordination and program moves: 40 hours
- Modify the migration process of mainframe data to the data warehouse: 40 hours
- Modify SOR office application to store and display the additional fields: up to 80 hours
- Final testing: 40 hours
- Initial operating costs: 95 hours

Ongoing operating costs (200 hours per year), additional storage, backup, and data management is estimated to cost \$42,000 annually.

AK Senate Bipartisan Working Group

Cowdery Davis Ellis Elton French Green Hoffman Huggins Kookesh McGuire Olson Stedman Stevens
Thomas Wielechowski

Today is Jan. 23rd



Alaska State Legislature



Senator Bill Wielechowski

Press Release • July 19, 2007

CONTACT: Senator.Bill.Wielechowski@legis.state.ak.us • Room 115 Capitol Bldg. • (907) 465-2435

Bill Prefiled for Upcoming Session Would Require Sex Offenders to Register e-mail Addresses

Helps Law Enforcement to Track Predators in Cyberspace

(ANCHORAGE) – A bill to help prevent online sexual predators from preying on children or anyone else is being prepared by Sen. Bill Wielechowski (D – Anchorage) for the 2008 legislative session. The bill requires convicted sexual offenders and child kidnappers to register their e-mail addresses, instant messaging addresses or any other Internet communication identifiers with the Alaska Department of Public Safety.

"The Internet has become a hunting ground for sex offenders and they're preying on our children," said Wielechowski. "Nationwide, one in five children have been sexually solicited online; and Alaska has the highest rate of internet use per capita."

The legislation also requires the sex offender or child kidnapper to notify the department in writing within five days of any changes to their e-mail address or identifier.

Arizona, Kentucky and Virginia already require sex offenders to register their e-mail addresses and at least a dozen other states are considering similar legislation. The popular networking site MySpace.com is on the record supporting this type of legislation.

Senator Wielechowski has pre-filed this legislation for the upcoming 2008 session.

For more information, contact Senator Wielechowski at (907) 269-0120.

###

- Print Forward this page
- http://www.aksenate.org/wielechowski/071907_prefiled_bill_sex_offender_register.pdf

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America's Newspapers

SEXUAL PREDATORS RIDE THE INTERNET INTO HOMES ACROSS AMERICA

Seattle Post-Intelligencer - May 6, 1997

Author: VANESSA HO, P-I Reporter

When a Federal Way mother posed as a teenager online to catch her son's molester, she also put the spotlight on the problem of sexual predators finding victims on the Internet.

The Internet and online services offer instant access to the world, but authorities say that access has a price: It's an easy way for predators to enter the homes of teens and children, who think nothing of spending hours talking with strangers at their computer keyboards. Through the unreined world of chat rooms, predators lure children with promises of support, money and a new home, experts say. In some cases, they molest them, or exploit them with pornography; in other cases, teens run away to be with them.

"It's a systemic problem, it's very bad, and we in the FBI are taking it very seriously," said Larry Foust, spokesman for the FBI Baltimore division in Maryland, where an Internet-related abduction and murder of a child in 1993 prompted a national investigation into online pedophiles.

Investigators were shocked at how widespread the crimes were, Foust said. "And it was only the tip of the iceberg." So far, the investigation has resulted in 96 arrests for child pornography or for luring a child across state lines for illicit sex. There have been 89 convictions.

Foust said that in one case, two suspects not only lured children through the Internet and then molested them, but also took pictures of them to distribute online.

He said sexual predation on the Internet is worse than on the streets "because you can lock your door and stay inside, and they can still penetrate the sanctity of your house."

Millions of people use the Internet, and most do so with no problems, authorities say. But cases of online crimes serve as a reminders of danger:

In February, a man was arrested in California after communicating with a 13-year-old boy for three months and flying across the country to meet him for a sexual encounter.

In December, a Connecticut man was arrested after talking online with a 13-year-old girl, sending her indecent material and driving 100 miles to meet her for sex.

Last month, a 14-year-old girl from suburban Rochester, N.Y., returned home after disappearing for four months with a 22-year-old Air Force deserter she met in a chat room devoted to vampire fantasies.

In 1995, Daniel Montgomery, a 15-year-old Maple Valley boy, ran away for two weeks to San Francisco to meet someone he met online.

The growing number of cases also illuminates hurdles facing police agencies, which often lack resources and money to investigate online crimes.

"We see that this is a growing problem, and it's something we'll be dealing with more and more," said Casey Johnson, a detective with the King County police Special Assault Unit. "The problem is money and bodies."

In the Federal Way case, the mother, posing as a teenager, received sexually explicit messages from the man and an offer to meet face-to-face and have sex. When the meeting was arranged last month, an undercover police officer arrested him. The man, Otis Fellows, pleaded guilty to a charge of second-degree child molestation, which stemmed from an incident in 1993. He faces sentencing on May 23.

Some online encounters between adults and children have resulted in heartache for parents, such as Kathy Newell of Eugene, Ore.

Last year, her 14-year-old daughter Channa befriended a 24-year-old woodworker in a chat room. A shaggy redhead who sometimes masqueraded as a medieval knight, the man came by to visit, and Newell said no way.

"I said, 'This girl is off-limits to you,' " she said. Her daughter didn't agree, and one morning last May, the man drove by Channa's high school, picked her up and disappeared.

"(Police) say she chose to go with him, but I say she was lured," Newell said.

At the National Center for Missing and Exploited Children, "online luring" makes up a small part of the center's overall cases, but the problems are increasing, said Gary Costello, director of the child exploitation unit at the Arlington, Va.-based center, a national clearinghouse for parents whose children have run away or were abducted.

This year, the center has received 11 reports of online luring, in which a child ran away after meeting an adult in cyberspace. Last year, the center handled seven such cases.

Although some teens have voluntarily left home, Costello treats them as children who were lured, as opposed to children who ran away.

"If someone came into the neighborhood, ended up talking to a child, befriending them, enticing them with promises of money and a better life, would you treat the case any differently?" he asked.

Parents should take a greater interest in their children's computer activities, Costello said. Often, when children spend hours alone on a computer, parents have no idea who they are meeting.

"Picture it like this: Would you let your 9- to 14-year-old go to the worst part of Seattle and walk the streets in the middle of the night?

"That's what chat rooms are like, but the child can't see who is walking toward him," he said.

Johnson, the detective with the King County police Special Assault Unit, said online predators often target emotionally vulnerable children, who come from unstable families and have low self-esteem. So when an adult offers support, money and a new home, the child is at a disadvantage.

"When you get an adult who is methodically pulling a child out of his home, for whatever reasons, that's exploitation," he said.

Tips for parents

The National Center for Missing and Exploited Children offers these tips for parents to help children have safe cyber-chats.

Never give out personal information such as address, phone number or school name before verifying the receiver of the information.

Get to know the services your child uses. Learn how to log on. Find out what types of information the services offer and whether there are ways for parents to block out objectionable material.

Never allow a child to arrange a face-to-face meeting with another computer user without parental permission. Make sure the first meeting is in a public spot and be sure to accompany the child.

Never respond to messages or bulletin board items that are suggestive, obscene, belligerent, threatening or make you feel uncomfortable. If you receive one, forward a copy to your service provider.

More of the center's tips can be found at its site: <http://www.missingkids.org/childsafety.html>

Another helpful Web site is <http://www.yahooligans.com/docs/safety>

America Online offers members resources on how to report a violation in a chat room and what to do if a harassing message is received.

It also offers "parental controls" that restrict a child's access, with the caveat: "It's important to note that no system of controls makes up for good old-fashioned parental supervision."

Edition: Final

Section: News

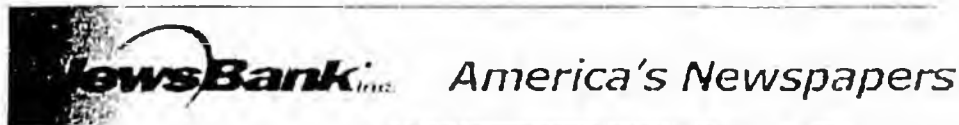
Page: A1

Index Terms: TIPS, INTERNET, SEX CRIME, CHILDREN, SUMMARY, STATISTIC

Record Number: 9705060081

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Cyber-stalking

News & Observer, The (Raleigh, NC) - July 30, 2007

Child predators didn't spring up from the fertile soil of the Internet. Physical and sexual abuse of children are age-old problems. But the Internet has brought a whole new aspect to child predation.

Computers in the home are ubiquitous. Kids easily master the machines, and they find the technology inviting. Meanwhile, adults who make it their business to become experts at stalking children have discovered social networking sites that are popular with young people. Using the sites, stalkers can zero in on kids from several states away, in relative anonymity, rather than from the bench near the swing set at the neighborhood park.

If there were any questions about the extent of the problem, good work by state Attorney General Roy Cooper has pried loose an answer. To combat predators, Cooper and attorneys general from several other states asked one of the more popular social sites, MySpace, to reveal the names of sex offenders who use the site. MySpace reluctantly complied in May, reporting about 7,000 offenders across the country on the site (245 of them were sex offenders registered in North Carolina).

The company updated its list last week. It now says that more than 29,000 offenders have MySpace profiles. And MySpace is just one of several social sites. Two years ago, a 34-year-old former Wake County sheriff's deputy posed as a 19-year-old N.C. State University student on several sites, including MySpace. Today he is in prison for persuading two Triangle boys he met online, ages 14 and 15, to have sex with him.

The attorneys general are pressing for better regulation of the networking sites, both by the companies that operate them and in state law. Cooper wants North Carolina legislators to require parental permission for youngsters to create a profile. He combines that effort with an educational campaign showing parents and teachers how kids can surf the Web safely.

Cooper also is pushing a bill that would require convicted sex offenders who create profiles to provide authorities with their e-mail addresses and all other on-line identifiers. As it stands now, offenders must tell the public where they live and when they move to a new neighborhood. But they can mask themselves as a teen on the Internet and prey on youngsters with impunity. The bill deserves approval.

Some lawyers and online companies complain that Cooper's efforts endanger the First Amendment rights of corporations. So far there's no overreaching on the attorney general's part.

At the same time, Internet companies need to design their sites with the vulnerability of youngsters in mind. Sexual crimes and violence against kids have exploded as the Internet has matured.

If foot-dragging lawmakers need help deciding whether to vote for Cooper's initiative, here's an aid: Put Internet firms on one side of the scale, and vulnerable youngsters at risk of being sexually assaulted or killed by predators on the other. Cooper's instincts are right.

Edition: Final

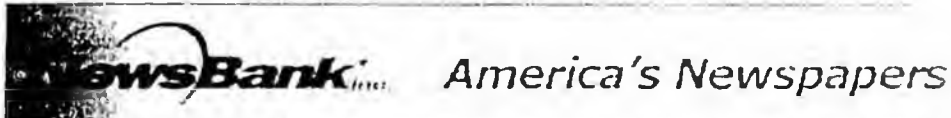
Section: Editorial/Opinion

Page: A8

Index Terms: CRIME ; CHILDREN ; TEEN ; NC ; BILL ; Internet ; Roy Cooper ; Editorial

Record Number: jlz6dp89

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'THESE PREDATORS ARE NO LONGER ISOLATED'

Maine Sunday Telegram (Portland, ME) - October 11, 1998

Author: ERIC BLOM Staff Writer

The Internet has become a refuge for child molesters, a place to seek shelter from the social isolation and anger they often confront in real life.

Known molesters can be threatened by neighbors, featured on police handbills when they move into a neighborhood, harassed by fellow prisoners in jail, and isolated by watchful parents who tell children not to talk with strangers on the street. Online, predators are safe in the anonymity of made-up screen names. They can identify and target children at will. Pedophiles can share encouragement, support and advice with one another, describing child sexual abuse as pleasurable and natural, even beneficial to children.

"These predators are no longer isolated. They're part of a community on the Internet," said Colin Gabriel Hatcher, executive director of Cyberangels, a division of the Guardian Angels.

The most direct threat to children is online predation. Adults with a sexual interest in children can identify, contact and groom potential victims via the Internet.

No one is sure how common online predation has become. It's clearly involved in a small minority of all child sexual assaults.

Still, advocates for children say that online predation represents an entirely new kind of threat and poses risks that are difficult to address. The danger is growing as more children, and more adults with a sexual interest in children, go online.

"It has provided a whole new, additional venue for (predators) to operate," said Peter Banks, director of training for the National Center for Missing and Exploited Children. "Child molesters go where the children are, and the children are in cyberville."

Online predation also may be much more common than is generally recognized, he and other advocates for children said.

The anonymity of computer networks, the secretive nature of child sexual predators and the shame felt by many victims conspire to keep formal complaints down and the activity hidden.

"The number of people who are arrested is a very small number compared to the number of offenders out there," said Capt. Richard Wallikas of the Broome County (N.Y.) Sheriff's Department, which has an ongoing undercover operation online.

Banks agreed that police complaints are a poor measure of the problem.

"We don't fully understand, because of the nature of sexual victimization, how big a problem this is," Banks said. "Probably only one in 10 crimes gets reported."

Indeed, many of the incidents thus far have been discovered almost by accident.

For example, in July, Massachusetts police discovered that a 37-year-old Michigan man had met at least

two teen-age girls -- from Massachusetts and Georgia -- online and traveled to have sex with them. The man was caught after a sheriff's deputy saw a 16-year-old girl, chased by her father, running toward the man's car with a suitcase. The deputy became suspicious and accosted the driver.

Increasingly, online predation also is being detected through electronic undercover police operations.

Most recently, on Sept. 14, police arrested a Portland man on charges of distributing child pornography to an undercover police detective in New Hampshire. The Keene, N.H., detective was posing as a 14-year-old boy.

Michael Weeks, 23, allegedly sent the detective photos depicting boys involved in sex acts, said Portland Police Chief Michael Chitwood. Weeks also has been charged with molesting a 10-year-old Portland boy.

INFORMATION HIGHWAY

GETS THE WORD OUT

Direct contact between adult predators and children is not the only danger posed by online computer networks. Children also are threatened by the online communities that sexual predators are building on the Internet.

These burgeoning online pedophile networks indirectly threaten all children, not just those who use computers, said many advocates for children, federal police and social scientists.

Historically, shame and public condemnation have kept many pedophiles from assaulting children. Society uniformly condemns adult-child sex. Pedophiles seldom encounter other people who admit to a sexual desire for children, much less the illegal acts of raping, molesting or exploiting them.

"Traditionally, a good social control for pedophiles is condemnation," said Keith Durkin, a sociologist who has studied the use of online computers by pedophiles. "This has to be the most condemned form of human sexual behavior that there is."

The mainstream online community also condemns child molestation. Thousands of Web sites and forums have been established to fight the problem. Offenders' names are even being published on Web sites such as the one run by the Bangor Police Department.

However, in many other corners of the Internet, child molesters find advice and support that was not available to them prior to the growth of online computing.

"There's nothing to stop someone from advocating really horrible crimes against children" online, said Tracey O'Connell-Jay, executive director of WebWise Kids and the sister of a girl lured from home by an online predator in another state.

The Internet allows anyone to publish anything, of any length, for very little money. Freedom of speech is protected by the U.S. Constitution, even speech advocating child sexual abuse.

More than 8,000 sites on the World Wide Web encourage adults to have sex with children.

Some of these Web pages tell young people that they should never reveal their "secret" relationship with an adult. This is the opposite message from the one that child advocates say children need to hear. Other sites tell pedophiles how to locate school or playground addresses online before going away on vacation.

"These pages link to legitimate sites like Disney. Hello! If that doesn't raise red flags, I don't know what

will," said Debbie Mahoney, a California woman whose 12-year-old son was sexually assaulted by a man who later was charged with distributing child pornography online. Mahoney is founder of the advocacy group, Safeguarding Our Children -- United Mothers.

Newsgroups allow pedophiles from around the world to anonymously exchange messages of solace, share tips on how to lure children into sexual encounters and trade information on police strategies. Newsgroups are electronic bulletin boards where people from around the world post messages for others to read.

Durkin studied one such newsgroup in 1996 -- early in the growth of Internet popularity -- and found that it received about 200 new postings a month. He had no way to determine how many people read the postings without submitting their own messages.

Most of the people who posted articles admitted to being pedophiles. Many of their messages sought support from other newsgroup readers. A quarter of the users said they wanted to contact other pedophiles via telephone, mail, in-person meetings or electronic mail, Durkin found.

"Preferential child molesters who target boys have the capacity to victimize hundreds of young males," Durkin wrote in *Pedophiles in Cyberspace*, which is his article on the newsgroup. "If computer groups such as (this one) inspire only a few pedophiles to molest children, this would translate into hundreds -- even thousands -- of victims."

FINDING VALIDATION

FOR CRIMES, URGES

Other experts agree that propaganda advocating adult-child sex can increase the abuse of children.

"There's no crime in being a pedophile and suffering from those urges," said Douglas Rehman, a former Florida state police officer with extensive experience in online undercover operations.

"What you've got is people who have it under control before they get online and then they see there are all these other people with the same urges and interests."

Kenneth Lanning of the FBI Behavioral Science Unit explained the psychology behind this in his monograph, "Child Molesters: A Behavioral Analysis."

Many child molesters, he wrote, "spend their lives attempting to convince themselves that they are not immoral, not sexual deviants, or not criminals."

"They prefer to believe that they are high-minded, loving individuals whose behavior is misunderstood or politically incorrect at this time in history," Lanning wrote.

The Internet has made it possible for many more pedophiles to receive that kind of validation for their crimes from groups such as the North American Man Boy Love Association, or NAMBLA, which advocates adult-child sex.

"A group like NAMBLA now has an audience beyond its mailing list," Durkin said.

Literature from NAMBLA -- along with child pornography -- was found in the car allegedly used to transport 10-year-old Jeffrey Curley's body to the Great Works River in Maine after his murder and subsequent sexual assault last autumn. Charges are pending against two men in that case. It is not yet clear whether the material allegedly found in their possession came from the Internet or through the mail.

Still, material like the propaganda and pornography found in their vehicle is widely available online. And that material helps reduce the social control of shunning and shame that keeps many pedophiles from acting on their sexual impulses.

"These people who were hiding under a rock someplace are actively out there communicating with each other" and with children, Mahoney said.

Memo: The graphic accompanying this article HOW TO PROTECT CHILDREN must be read on microfilm

Edition: CITY

Section: FRONT

Page: 7A

Series: DANGER ONLINE Technology's threat to children

Record Number: 0002230511

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FILE

ALASKA STATE LEGISLATURE



Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Senator_Lyda_Green@legis.state.ak.us

Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
Fax (907) 465-3805

Toll Free: 1-877-465-6601

SENATOR LYDA GREEN
PRESIDENT OF THE SENATE

February 5, 2008

Senator Ellis, Chair
Senate Labor and Commerce Committee

As requested by the Senate Labor and Commerce Committee I am happy to provide the following intent statement to be included with Senate Bill 196 as it continues to the next committee.

I would offer:

"It is the intent of the Legislature that the Alaska Prescription Drug Monitoring Program be funded with federal grants and state appropriations. It is not the intent of the Legislature that the professional users of the database absorb the costs of managing this public program through their license fees or other fee structure."

Sincerely,

A handwritten signature in cursive script that reads "Lyda Green".
Lyda Green

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSSB 196(FIN)
(S) Publish Date: 2/15/08

Identifier (file name): SB196CS(L&C)-CED-OL-02-13-08
Title: Prescription Database
Sponsor: Green
Requester: Senate Finance
Dept. Affected: DCCED
RDU: Corp. Bus & Prof Licensing (117)
Component: Corp. Bus & Prof Licensing
Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0						
Travel	10.0						
Contractual	385.0						
Supplies	5.0						
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	400.0	0.0	0.0	0.0	**	**	**

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	400.0						
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1156 Receipt Supported Services							
TOTAL	400.0	0.0	0.0	0.0	**	**	**

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation authorizes the establishment of a controlled substance prescription database under authority of the Alaska Board of Pharmacy with assistance of the Division of Corporations, Business, and Professional Licensing within the Department of Commerce, Community, and Economic Development.

The Federal Government is providing planning and implementation grants to states to implement a prescription drug monitoring database. In FY 08, Alaska received a Federal grant in the amount of \$49.4 to begin plans to develop this database in Alaska. The department is seeking authorization in the supplemental budget for this grant.

Prepared by: Jennifer Strickler, Chief Phone: (907) 465-2144
Division: Corporations, Business, and Professional Licensing Date/Time: 2/13/08 5:27 PM
Approved by: Emil R. Notti, Commissioner Date: 1/25/2008
Commerce, Community, and Economic Development

ANALYSIS CONTINUATION

In FY 09, the department anticipates applying for a federal grant of \$400.0 to develop and implement Alaska's Prescription Drug Monitoring database.

Implementation grant funds may be used to enhance a data collection and analysis system; develop infrastructure to support programmatic activities; support collaborations with law enforcement and prosecutors; support collaborations with treatment providers and drug courts; facilitate information sharing among states; expand monitoring to Schedules III, IV, and V; and assess the efficiency and effectiveness of the program.

The division anticipates using the bulk of the grant to develop the database. Funds for travel and supplies would be needed to educate pharmacists about the use and reporting requirements associated with the development of this database.

Many decisions need to be made regarding program. This legislation calls for the board to notify the president of the senate and the speaker of the house of representatives, if at any time after the effective date of this act, the federal government fails to pay the costs of the controlled substance prescription database. An estimated amount of maintenance costs and fees needed cannot be estimated at this time.

FISCAL NOTE

STATE OF ALASKA

2008 LEGISLATIVE SESSION

Fiscal Note Number: _____

Bill Version: _____

HCS CSSB SB 196
(JUD)

() Publish Date: _____

ID(File name) SB196HCSCSSB(JUD)-DHSS-MS-03-19-08

Dept. Affected: _____

Health & Social Services

Title PRESCRIPTION DATABASE

RDU _____

Health Care Services

Component _____

Medicaid Services

Sponsor GREEN

Requester HOUSE FIN

Component No. _____

2077

Expenditures/Revenues

(Thousands of Dollars)

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

	Appropriation		Information				
	Required						
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims	(86.0)		(92.3)	(98.8)	(105.6)	(113.1)	(121.0)
Miscellaneous							
TOTAL OPERATING	(86.0)	0.0	(92.3)	(98.8)	(105.6)	(113.1)	(121.0)
CAPITAL EXPENDITURES							
CHANGE IN REVENUES (0)							

FUND SOURCE

(Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts	(44.0)		(46.2)	(49.6)	(52.8)	(56.6)	(60.5)
1003 GF Match	(42.0)		(46.1)	(49.2)	(52.8)	(56.5)	(60.5)
1004 GF							
1037 GF/Mental Health							
Other(Specify Type-do not abbreviate)							
Other(Specify Type-do not abbreviate)							
TOTAL	(86.0)	0.0	(92.3)	(98.8)	(105.6)	(113.1)	(121.0)

Estimate of any current year (FY2008) cost: _____

POSITIONS

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time							
Part-time							
Temporary							

ANALYSIS:

(Attach a separate page if necessary)

The Prescription Drug Monitoring Program will save money in the Medicaid Agency for controlled drug prescriptions. The savings will result from a decrease in the number of prescriptions that are filled and then illegally re-sold, a practice known as "diversion." Last year expenditures in the pharmacy program reached \$68,432.0, of which \$8,600.0 were related to controlled drugs. Conservatively, the prescription monitoring program can save 1% of the controlled drug expenditures in the Medicaid program due to prevention of diversion. Therefore, savings will amount to \$86,000.0 in FY09 if the prescription drug monitoring database is brought on line in FY09. Year-to-year inflation in the drug program is 7%. The average Federal Financial Participation for FY09 is 51.02%; FY10 is 50.76%; FY11 is 50.23%; after FY11 it is 50.00%.

Prepared by: William J. Streur, Deputy Commissioner

Division: Health Care Services

Phone: 334-2520

Date/Time: 03/19/2008

Approved by: Karleen Jackson, Commissioner

Agency: Department of Health and Social Services

Date: 03/19/2008

SEN

25-LS1092\V.1
Luckhaupt
4/1/08

at least 2/1/08

AMENDMENT 2

By: Rep. Meyer

OFFERED IN THE HOUSE

TO: HCS CSSB 196(JUD)

1 Page 5, lines 7 - 9:

2 Delete "The board may enter into agreements with dispensers that are not regulated by
3 the state and practitioners in this state to submit information to and access information in the
4 database subject to this section and the regulations of the board."

5 Insert "The board may enter into agreements with (1) dispensers in this state that are
6 not regulated by the state to submit information to and access information in the database, and
7 (2) practitioners in this state to access information in the database, subject to this section and
8 the regulations of the board."

SW

Amended
12/1/08

25-LS1092V.2
Luckhaupt
4/1/08

AMENDMENT |

By: Rep. Meyer

OFFERED IN THE HOUSE

TO: HCS CSSB 196(JUD)

- 1 Page 2, line 25:
- 2 Delete "an inpatient in a licensed"
- 3 Insert "those administered to a patient at a"

Louanne Christian

From: Suzanne Cunningham
Sent: Monday, April 07, 2008 10:22 AM
To: Louanne Christian
Subject: FW: SB 196 update- PMP

If SB 196 has not been transmitted, will you please add this to the bill file? Thank!
Suzanne

From: Ginger Blaisdell
Sent: Monday, April 07, 2008 10:00 AM
To: Suzanne Cunningham; Emily Beatley
Subject: FW: SB 196 update- PMP

I didn't know if you wanted to add this to the bill file.
Ginger

From: Bill & Sarah Altland [mailto:bsaltland@hotmail.com]
Sent: Monday, April 07, 2008 9:51 AM
To: Ginger Blaisdell
Cc: Margaret Soden; Candy Kopf
Subject: SB 196 update- PMP

Ginger,

I have not been part of the recent discussions on SB 196 because I was out of the U.S. for the past 5 months. My name is Bill Altland and am a registered pharmacist from Craig, Alaska. My wife, Sarah (also a pharmacist) and I own and operate Whale Tail Pharmacy at Craig on Prince of Wales Island in Southeast Alaska. I am a former member of AK State Board of Pharmacy having served as vice-chair for that particular State regulatory Board. I was on the Board's work group for researching the idea of a Prescription Monitoring Program for Alaska a few years ago. I served with Margaret Soden, then Board Chair, who was also on this work group.

I tried to call into the House Finance Committee a couple of times over the past few days to comment on SB 196 and was not able to stay on the line. There were delays, as you know, in the time frame for receiving testimony by this Committee. I wanted to communicate to Sen Greene and other lawmakers some background information on why I think SB 196 is a good idea. I will note this information in "bullet points" to hopefully make it easier to read.

- We have a problem in Alaska with the diversion of prescription medications. Alaska in the past has been in the top 5 states for prescription volume and quantities of controlled meds per capita for methadone, oxycodone, OxyContin, hydrocodone and others. I have worked in over 20 different community and out-patient clinic pharmacies in the mostly rural areas of our State. I feel I know what I am talking about when I say we have a problem with the sheer volume of controlled meds in the State. In the more urban areas of Alaska we definitely have a problem as well.
- Our pharmacy business was burgularized last summer. Only controlled meds were taken.
- I was robbed at gunpoint in Wasilla a few years ago for pain meds. Only OxyContin was demanded by the robber.
- The Nat'l Rural Health Assoc has recognized the diversion prescription meds as being a problem nationwide. This is particularly a problem with our young people.

- I spoke with a alcohol and substance abuse counsellor just this weekend from Juneau. She told me that prescription drug abuse is a huge problem in Alaska, particularly with young adults. She said the street value of some of these meds is phenomenal, and that misuse of controlled meds is widespread.
- We can see the effect that the abuse of controlled prescription drugs is having on our community. Like any substance abuse problem, this problem can be particularly devastating to families.
- Recent example of just one problem patient from our Island: One patient/customer of ours had "legal" controlled drug prescriptions called or fax'd into 5 (five) different pharmacies within the last week alone: to our pharmacy, a pharmacy in Anchorage, one in Palmer, and two pharmacies in Ketchikan. I was able to track this down by spending an inordinate amount of time talking to pharmacies and to Medicaid. A PMP program, if implemented and **USED**, would have had all this information available in one place on this patient, on the doctor(s) involved, and also the pharmacies involved. But at this time, this information is not in one place. It is almost impossible to get the information right now.
- The patient mentioned above had been on a "Pain Contract" with a completely different medical provider than the one(s) who prescribed these meds.
- Our pharmacy has made the decision not to stock OxyContin for the time being because of concerns
- Costs: There is the more obvious costs of money to the Medicaid system. We routinely are having patients on Medicaid offer to pay the full cash price for their controlled drug prescriptions when Medicaid denies the prescription for either refill too soon - because they run out before the allotted time- (or) the patient gets a new prescription for the same med (often times from the same prescriber) before the time that their previous Rx should be used up. Also, some Medicaid patients are surpassing the quantity allowed by Medicaid for a particular med in a 30 day time period. * of course, this makes us wonder how a Medicaid certified patient can afford to pay for an expensive drug like, say, OxyContin. I suspect that diversion provides that income in many cases.
- Costs - the cost in lives for the abuse of prescription drugs. I am personally aware of two different auto accidents that involved patients who had been receiving large quantities of multiple controlled meds. In Wasilla, one of these accidents involved another vehicle. A lawsuit was filed. Other examples: a 15 yo boy who died from smoking OxyContin in Ketchikan; an overdose of a patient on pain meds in Valdez; etc, etc.
- Cost to local communities: law enforcement investigations, the breakup of families because of the prevalence of availability of these drugs and their addicting nature when abused, the increased availability on the street because of the street prices which creates a vicious cycle.
- Costs to taxpayers - our legal system - when investigating, prosecuting, and incarcerating individuals who break the law because of the availability of these prescription meds. I was involved in the court case that tried and convicted the individual who robbed the pharmacy at gunpoint where I was working in Wasilla. It must have been a tremendous expense to finally get a conviction. As far as I know, the drugs were not recovered. The amount of man-hours to investigate and prosecute was amazing to me.
- I think a Prescription Monitoring Program would decrease the diversion of prescription drugs by increasing the access to information that would allow prescribers and pharmacies to be aware of problem patients who are either "doctor shopping" or "pharmacy shopping". Also, it would allow the system to be aware of prescribers and pharmacies who might be contributing to the problem themselves. That is why I think that a PMP would only be effective to the extent that it is actually used. I think it would increase accountability for everyone involved: the patient, the prescriber, the pharmacy, and perhaps even law enforcement. If the information is there, it needs to be utilized.

Please let me know if I can provide any other information.

Bill Altland, RPh

Whale Tail Pharmacy

Craig, AK

(w) 907-826-5750 / (h) 907-826-5752

cc/ Candance Kopf - DEA/Anchorage

Margaret Soden - RPh/Fairbanks

From: Ginger_Blaisdell@legis.state.ak.us

To: lsncvrb+pdmp@legis.state.ak.us

Date: Sun, 6 Apr 2008 14:40:36 -0800

Subject: SB 196 update

SB 196 passed the House Finance Committee with two language clarification technical amendments. All is good at this point.

The bill will be heard on the House Floor Tuesday, April 8 – the floor session begins at 10:00am and there is no telling what time this bill will be debated. You can watch the debate on Gavel to Gavel (usually the floor sessions are shown live but alternate with House and Senate sessions). Representative Ramras will carry the bill on the floor.

Thank you so much for your patience this weekend as we waited in House Finance Committee.
Ginger



John Elias Baldacci
Governor

Maine Department of Health and Human Services

Office of Substance Abuse
Marquardt Building, 3rd Floor
11 State House Station
Augusta, ME 04333-0011

John R. Nicholas
Commissioner

Kimberly Johnson
Director

DATE: January 18, 2006

TO: The Director of the Togus VA Pharmacy in Augusta, Maine

FROM: Kimberly Johnson, Director of the Maine Office of Substance Abuse

SUBJECT: Request to have Togus VA release health information to the Maine Office of Substance Abuse's Prescription Monitoring Program.

Under Title 22, Chapter 1603 of the Maine Revised Statutes Annotated the Office of Substance Abuse (OSA) was charged with implementing an operating the Prescription Monitoring Program. The legislative purpose of this program is too: "promote the public health and welfare and to detect and prevent substance abuse". To that end the Office implemented the program in July of 2004 and currently collects data from over 300 pharmacies licensed to dispense in the State of Maine as authorized by Title 22, Chapter 1603.

For some time now OSA has been interested in finding other dispensing sources that could make the data base more complete and therefore more effective in detecting & preventing substance abuse. The Togus VA Pharmacy System is a place that serves several state citizens but was not required to report to OSA because Togus is a Federal Agency. Several Togus dispensers & prescribers currently are registered for and use OSA's PMP data to help prevent and detect substance abuse among the veterans they serve.

OSA would like to give this same advantage to all prescribers & dispensers in our state by formally asking Togus to volunteer their data to our system. Under 38 USC 5701 the Secretary can release information: "to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such agency or instrumentality has made a written request that such name or address be provided for a purpose authorized by law".

All data that Togus submits would be used for the same purposes outlined in Title 22, Chapter 1603 & spelled out in our regulations (Chapter 11 under the Maine Department of Health & Human Services).

It is OSA's hope that by collaborating with Togus VA that we can positively influence the prescription drug abuse problem that has become prevalent in our state.

Sincerely,

Kimberly A. Johnson, Director

Our vision is Maine people enjoying safe, healthy and productive lives.

Phone: 207-287-2665

Fax: 207-287-4334

TTY: 207-287-4475
1-800-215-7004



Alaska Dental Society, Inc.

9170 Jewel Lake Road, Suite 203
Anchorage, Alaska 99502-5390
(907) 563-3003 • FAX: 563-3009
akdental@alaska.net

The Honorable Lyda Green, President; Alaska State Senate;
The Honorable John Harris, Speaker; Alaska House of Representatives;
Honorable Members of the Alaska State Legislature
Alaska State Capitol
Juneau, AK 99901

1 February 2008

Madame President, Mr. Speaker and Honorable Members:

The Alaska Dental Society believes HB316/SB196 would serve the interests of the citizens of Alaska and the practicing dentists of Alaska.

Dentists are prime targets for persons seeking drugs illicitly. A tooth that appears to have a deep cavity on an x-ray may in fact produce no symptoms of pain. Persons engaged in drug seeking conduct are aware of this and will exploit it by visiting multiple offices. At each office they claim to be in great pain and in need of relief. They request medication to relieve the pain until they can return for treatment at a later date. These "drug seekers" then fail to keep the appointment for treatment to treat the tooth. A second scenario where dentists are exploited by those seeking drugs is for the "patient" to receive treatment, commonly an extraction, followed by the patient repeatedly requesting additional pain medication until the dentist is compelled to question their conduct.

Provisions of the federal HIPAA (Health Insurance Portability & Accountability Act) prevent offices of health care providers and pharmacies from sharing information about patients who may be engaged in drug abuse or inappropriate conduct involving controlled substances. A system that would allow practitioners access to the drug prescription history of patients would be very helpful in helping to discern patients who may be engaged in drug seeking conduct as opposed to those with legitimate health problems.

These bills would also be beneficial to the Dental and other professional regulatory boards when confronted with disciplinary cases involving practitioners suspected of substance abuse. Most of these cases involve diversion of controlled substances. These bills would provide a tool to track practitioners that would provide some measure of early intervention based upon verifiable data instead of the current system that relies on observational reports. Early detection of substance abuse would both protect the public, certainly the primary goal, while at the same time affording practitioners a chance to get help much needed help in dealing with their addiction and its related professional and personal problems.

Respectfully yours,

Pete Higgins, DDS
President

Alaska State Medical Association

4107 Laurel Street • Anchorage, Alaska 99508 • (907) 562-0304 • (907) 561-2063 (fax)

February 22, 2008

Honorable Jay Ramras
House of Representatives, Judicial Committee
State Capitol, Room 118
Juneau, AK 99801-1182

Transmitted by email:
Rep_Jay_Ramras@legis.state.ak.us

RE: CS SB196/HB316 - Prescription Database

Dear Representative Ramras:

The Alaska State Medical Association (ASMA) represents physicians statewide and is primarily concerned with the health of all Alaskans.

ASMA supports the concept of the development of a controlled substances prescription database. It believes that such a tool can help with the problem of the misuse, abuse, and diversion for sale of controlled substances. Additionally, it can also provide an important tool for physicians caring for patients with multiple chronic conditions, seeing a number of other physicians, and who are taking a variety of drugs. Patients taking a multitude of drugs often forget what all they are taking and it's important for the physician to be aware of them all to help prevent untoward events that can result from drug interactions.

However, access to such a database must be provided for in a manner that provides for appropriate privacy protection for both patients and prescribers. Additionally, the appropriate due process protections must also be part of this process.

ASMA does not believe that SB196 provides the appropriate due process protections for prescribers who are possibly the subject of unfettered access to this database by licensing boards and other agencies. (Sec. 17.30.200 (d) (1) provides for such access without defining what "license inquiries" entail. Arguably, this can only mean investigations that could result in action against a prescriber or dispenser's license).

It appears this is not a problem with inquiries for law enforcement authorities (Sec. 17.030.200 (d) (5)) as access requires a search warrant, subpoena, or order issued by a court. The court provides the protection by an unbiased review and thus helps to eliminate simple "fishing expeditions".

ASMA has been concerned for a long time regarding due process protection for physicians involved in administrative or licensure actions which have included State Medical Board Disciplinary actions as well as Medicaid audits. ASMA has frequently testified before the Legislature and Executive Branch agencies involving such issues. Without exception, ASMA has been supportive of the intent of various measures that primarily help assure that the best medicine is practiced and that physicians are treated equitably.

Over many years, ASMA's legal counsel has done extensive analysis of the due process issues involving physicians and their practice of medicine. Under Alaska law (see Court of Appeals of Alaska, *State of Alaska v. Candice Auliye*; No A-8084, Oct. 25, 2002), ASMA believes that it can be successfully argued that any disciplinary actions taken by the State Medical Board must be adjudicated in a manner that provides all the same due process protection as a criminal investigation and prosecution. The argument follows that a license to practice medicine in Alaska is a very valuable property right. The taking of such a valuable property right is the same as assessing a fine that is high enough to constitute a criminal fine. As such, any proceedings must provide the same due process protection as in any criminal proceeding. (The Auliye case found a minor's drivers license to be valuable enough to meet the standard requiring all criminal due process protections including counsel at public expense if the defendant was indigent. Surely a professional licensure of a physician, pharmacist, dentist, advance nurse practitioner is much more valuable).

ASMA suggests that at a minimum that a board or other administrative agency, before gaining access to the database, secure a subpoena, search warrant, or order issued by an administrative hearing officer from the body that provides hearings under the Administrative Procedures Act. ASMA feels this will help provide sufficient due process protection. Otherwise, at a minimum, the information obtained from access to the database may be eliminated from use in any licensure actions, and, at worse, Sec. 17.30.200 could be found unconstitutional and thereby not be functional.

ASMA feels that such a database is important to have and that appropriate access to it is essential. Additionally, the change suggested will not change the intent or functionality of the database. It may, however, slow the access by boards and other administrative agencies. Furthermore, ASMA would support the access to this database by other agencies that have a legitimate need for accessing this information. For example, the Medicaid program may have legitimate reasons. However, this support is predicated on that the other agencies would be required to provide the same privacy safeguards and appropriate due process procedures.

Nothing in the current version of SB196 would prevent a board or administrative agency from accessing the entire database annually. Such freewheeling access could have a chilling effect on appropriate medical treatment with some physicians who occasionally prescribe a controlled substance to stop such prescribing entirely to avoid being on the annual "fishing expedition" list.

To reiterate ASMA strongly supports the concept of a controlled substance database. However, access to the database must be in a manner that provides the appropriate constitutional protections for the patients, prescribers, and dispensers.

Sincerely,

By: J. Ross Tanner, DO, President
For: Alaska State Medical Association

cc: Sen. Lyda Green



White House Office of National Drug Control Policy National Youth Anti-Drug Media Campaign

National Campaign To Prevent Prescription And Over-The Counter Drug Abuse By Teens

Today, John Walters, Director of National Drug Control Policy, previewed television advertisements that are part of an unprecedented national public education initiative to alert parents and other adults about the dangers of teen prescription and over-the-counter (OTC) drug abuse. While overall teen use of illegal drugs is showing remarkable decline, prescription drug abuse among America's youth remains alarmingly high. In response to this problem, the National Youth Anti-Drug Media Campaign in the Office of National Drug Control Policy (ONDCP) will launch a new education initiative that includes the following elements:

1. ONDCP will launch a national television, print, and online advertising campaign that will reach over 90 percent of parents more than a dozen times. The Administration will leverage \$14 million to generate nearly \$30 million in advertising. This will include two television ads on 27 networks nationwide for two months, including a debut on Super Bowl XLII; print advertising running in 43 newspapers and 14 magazines across the country; and messages printed on prescription information sheets through 15,000 pharmacies nationwide, targeted towards adults purchasing commonly abused prescription drugs. The ads were developed in collaboration with the Partnership for a Drug-Free America (The Partnership), with *pro bono* creative provided by Draftfcb New York.
2. ONDCP will release a new Federal report to highlight the developing threat of youth prescription and OTC drug abuse. This report is titled "*Prescription for Danger: A Report on Prescription and Over-the-Counter Drug Abuse Among the Nation's Teens.*"
3. The National Youth Anti-Drug Media Campaign is enlisting the support of community anti-drug coalitions with influential medical, health, prevention, and education groups to reach parents and other influential adults about teens and prescription drug abuse.

While we have achieved significant declines in drug use, teen abuse of prescription painkillers and OTC drugs remains alarmingly high. Overall, youth prescription drug abuse is the second largest category of abuse, only behind marijuana.

- Each day, approximately 2,500 teens try abusing prescription painkillers to get high for the first time.
- In 2006, more than 2.1 million teens abused prescription drugs.
- Prescription drugs are the drug of choice among 12-13-year-olds.
- The majority of teens who abuse prescription drugs say they are easy to get from the home or from friends and relatives and for free.
- Forty percent of teens believe that prescription drugs are safer to abuse than "street drugs," and 27 percent of parents agree.
- While 70 percent of parents warn their children about the risks of marijuana, only 36 percent have similar conversations about prescription drug abuse.

The new initiative will respond to this growing concern by enlisting the cooperation of parents and other adults in combating this danger to our Nation's teens. Parents are in a unique position to immediately reduce teen access to prescription drugs by cutting off the supply. They should take the following steps:

- Safeguarding all drugs at home by monitoring quantities and controlling access;
- Setting clear rules for teens about all drug use, such as always following a medical provider's advice on dosage and not sharing medicine;
- Being a good role model;
- Properly concealing and disposing of old or unused medicine in the trash; and
- Asking friends and family to safeguard their prescription drugs as well.



When teens want to get high

YOUR PRESCRIPTION IS AVAILABLE FOR PICK UP.

TEENS ARE ABUSING PRESCRIPTION
DRUGS THEY FIND AT HOME. HERE'S
WHAT THEY ARE DOING—AND HOW
PARENTS CAN STOP IT.

It can be medication left over from your last surgery. Maybe they're the pills you keep on the dresser or tucked inside your purse. Teens are finding prescription drugs wherever people they know keep them—and abusing them to get high. In fact, 70 percent of persons age 12 and older who abuse prescription painkillers say they get them from a relative or friend¹—leading to several troubling trends:

- Every day, 2500 kids age 12 to 17 try a painkiller for the first time.²
- Prescription drugs are the drugs of choice for 12 and 13 year olds.³
- Teens abuse prescription drugs more than any illicit street drug except marijuana.⁴

What's also disturbing is they don't realize these drugs can be as dangerous as street drugs. So kids who would never try street drugs might feel safe abusing prescription drugs. Misperceptions about prescription drug abuse have serious consequences. In fact, drug treatment admissions for prescription painkillers increased more than 300 percent from 1995 to 2005.⁵ Now that you know prescription drug abuse is a problem, here are ways parents can keep it from affecting their kids' lives:

- **Safeguard** all drugs at home. Monitor quantities and control access.
- **Set clear rules** for teens about all drug use, including not sharing medicine and always following the medical provider's advice and dosages.
- **Be a good role model** by following the same rules with your own medicines.
- **Properly conceal and dispose** of old or unused medicines in the trash.
- **Ask friends and family** to safeguard their prescription drugs as well.

Following these steps is a start. Let your teen know where you stand. When you talk about drugs and alcohol, include prescription drugs in the conversation.

To learn more, visit
THEANTIDRUG.COM
or call 1-800-788-2800

- American Academy of Family Physicians
- American Academy of Nurse Practitioners
- American Academy of Pediatrics
- American Academy of Physician Assistants
- American College of Emergency Physicians
- American Dental Association
- American Medical Association
- American Pharmacists Association
- American Society of Addiction Medicine
- National Association of School Nurses
- Partnership for a Drug-Free America

1. 2008 National Survey on Drug Use and Health, SAMHSA, September 2007.
2. Ibid.
3. Ibid.
4. Ibid.
5. 2005 Treatment Episode Data Set, SAMHSA, 2007.



White House Office of National Drug Control Policy National Youth Anti-Drug Media Campaign

FOR IMMEDIATE RELEASE
Thursday, January 24, 2008

Contact: Jennifer de Vallance, ONDCP, (202) 395-6648
Rosanna Maietta, Fleishman-Hillard, (202) 828-9706

ONDCP LAUNCHES FIRST MAJOR INITIATIVE TO COMBAT TEEN PRESCRIPTION DRUG ABUSE New Ad Campaign Debuts During Super Bowl

(Washington, D.C.) – The White House Office of National Drug Control Policy (ONDCP) is launching its first major Federal effort to educate parents about teen prescription drug abuse. This national public awareness campaign will begin with advertising during this year's Super Bowl, and is ONDCP's first paid TV advertising targeting parents in nearly two years. The effort includes broadcast, print, and online advertising, community outreach, and new print and online resources to help parents and communities combat the troubling trend of teen prescription drug abuse. The Administration will leverage \$14 million to generate nearly \$30 million in advertising. The ads were made in collaboration with the Partnership for a Drug-Free America (The Partnership), with *pro bono* creative provided by Draftfcb New York.

Though overall teen drug use is down nationwide, more teens abuse prescription drugs than any other illicit drug, except marijuana; more than cocaine, heroin, and methamphetamine combined. Every day, 2,500 kids age 12-17 abuse a prescription painkiller for the first time and more people are getting addicted to prescription drugs. Drug treatment admissions for prescription painkillers increased more than 300 percent from 1995 to 2005. Teens are abusing prescription drugs because many believe the myth that these drugs provide a "safe" high. Especially troubling is that the majority of teens who abuse prescription drugs say they are easy to get and are often free.

"When used as prescribed, prescription painkillers can be tremendously beneficial. But their abuse is becoming a serious public health and addiction problem. We may be unintentionally providing our teens a new way to get high," said John P. Walters, Director, National Drug Control Policy. "Most teens who abuse prescription drugs say they get them from home, or from friends and relatives. We need parents to recognize that not all drug threats to their teens come from the street corner. Prescription drugs are in practically every home and parents can have an immediate impact on stopping teen prescription drug abuse."

Research shows many parents are not aware of teen prescription drug abuse and are not discussing the dangers with their teens. Only a third of parents (36%) have discussed the risks of prescription drugs with their teen, even though research shows that parental disapproval is a powerful way to keep teens away from using drugs.

"The need has never been greater for parents to learn the facts about this dangerous behavior which has become entrenched among teens," said Steve Pasierb, President and CEO of The Partnership. "Partnership research indicates that both parents and teens have a perilous

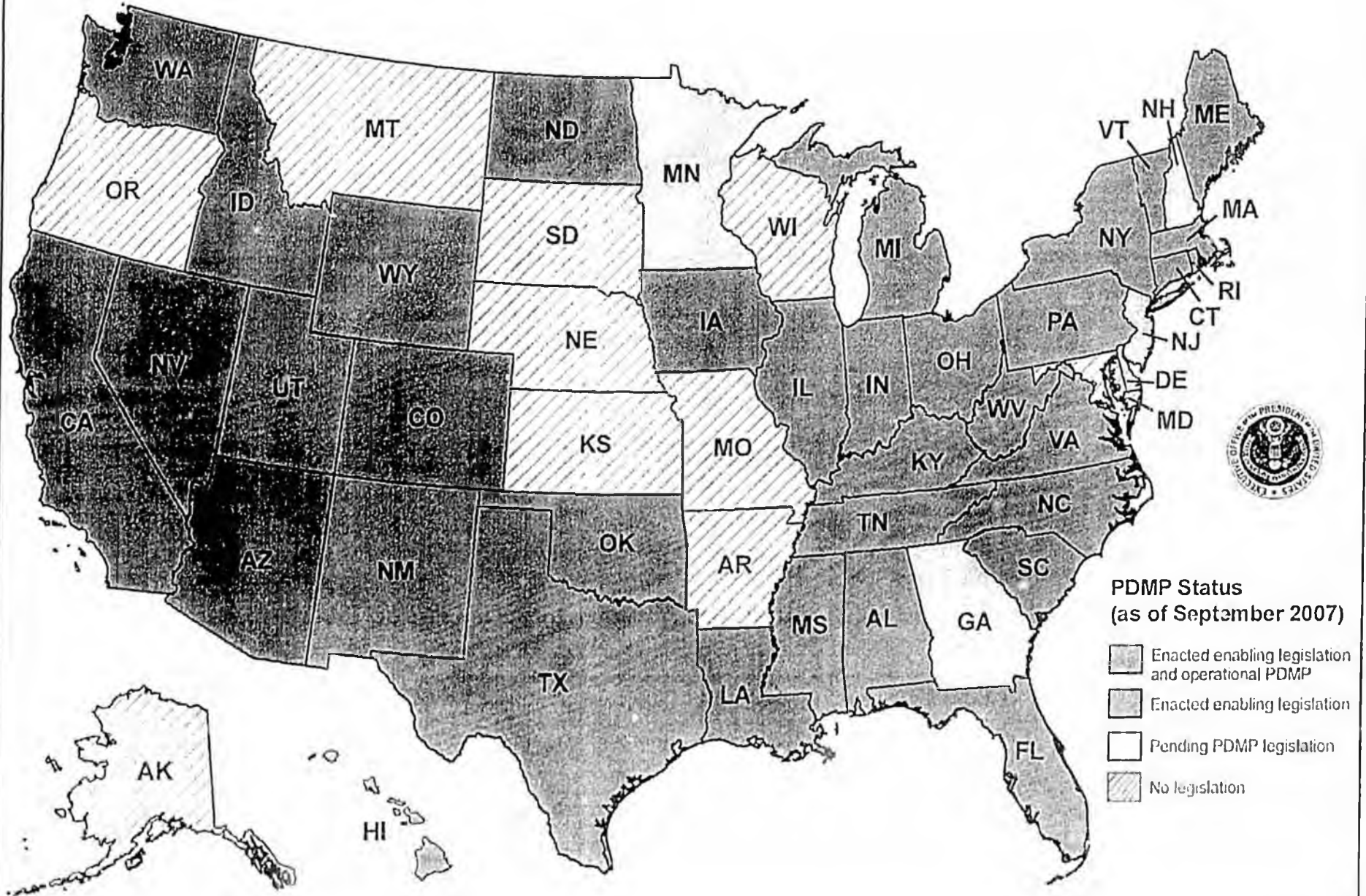
misconception that abusing medicines is safer than using street drugs, and that is simply not true. Parents are the most important influence in helping teens make healthy choices, and talking about the dangers of intentional prescription and OTC drug abuse must be at the forefront of parent-teen conversations. We applaud ONDCP for their responsiveness to the data on this issue and for their action to alert more parents to the facts."

The ad concepts underwent extensive focus group testing before production and were subjected to rigorous quantitative testing – involving parents and teens – before airing. The effort also includes the following advertising and non-advertising elements, which will unfold in the coming months and continue through May of this year, reaching over 90 percent of our target parent audience:

- Two television ads, the first of which launches during primetime Super Bowl viewing. Both ads will run on 27 networks nationwide for more than two months;
- An Open Letter to parents in 43 national and regional newspapers such as *The New York Times*, *The Chicago Tribune*, and *The Los Angeles Times* endorsed by 11 leading health, medical, prevention, and educational organizations;
- Two Open Letter ads targeting health and school professionals in medical and educational publications running for 2 months;
- Two print ads targeting parents in 14 national magazines and running for 4 months;
- Online banner ads and search engine advertising for parents running for 4 months and driving to the Campaign's Web site for parents www.TheAntiDrug.com;
- Targeted messages on prescription information sheets for commonly abused substances in 15,000 pharmacies nationwide during February and March.
- Featured content on ONDCP's Web site for parents, www.TheAntiDrug.com, including a virtual house tour showing "danger zones" in the home, as well as tips on safeguarding and disposing of prescription and OTC drugs;
- A new, comprehensive brochure on teen prescription drug abuse for parents; and
- A tool kit to help community groups implement local prescription drug abuse prevention efforts.

When used correctly and under the care of a health provider, prescription drugs provide many benefits. But there are serious consequences to abusing prescription drugs or combining them with alcohol or other drugs, as many teens do. ONDCP has released a full report: "Prescription for Danger: A Report on Prescription and Over-the-Counter Drug Abuse Among the Nation's Teens." To view the report, visit: http://theantidrug.com/pdfs/prescription_report.pdf and to view the ads visit www.TheAntiDrug.com.

Since its inception in 1998, the National Youth Anti-Drug Media Campaign has been authorized by Congress to reduce and prevent teen drug use. For more information on the ONDCP National Youth Anti-Drug Media Campaign, visit www.TheAntiDrug.com.



Source: DNDOP, Office of State, Local and Tribal Affairs, September 2007

Prescription Drug Monitoring Program Status as of September 2007



Alaska Pharmacists Association

February 5, 2008

Diversion and abuse of prescription medications, particularly controlled substances, are problems throughout the nation and also in the great State of Alaska. A program for assuring that patients do not "doctor shop" to obtain narcotics for diversionary purposes or due to addiction should be implemented. This program could help prevent some of the abuses of the current system which would also include the writing of excessive numbers of prescriptions for individual patients by single or multiple providers. At the September 20th, 2007 Board of Pharmacy Meeting, Brian Howes who is the Senior Investigator for the State of Alaska Department of Commerce, Community and Economic Development, presented a proposal to institute a Prescription Monitoring Program (PMP) in the State of Alaska. Prior to this proposal, the membership of the Alaska Pharmacists Association reviewed the current status of PMP programs throughout the nation which led to some concerns of our pharmacists. We are in agreement that a program is needed in order to cut down on some of the diversion and abuse of narcotics in the State of Alaska. Our concerns are based on the funding for this program, potential liabilities of accidental release of HIPAA protected medical information, and the oversight/administration of the program. I will outline these concerns in this order.

Mr. Howes presented the data on the startup of PMP in a number of states and discussed Federal Grant money that is currently available to help states institute a PMP program. Currently two funding options are available, the Howard Rogers Prescription Monitoring Grant and the National All Schedules Prescription Electronic Reporting Act of 2005 (NASPER). The first grant is through the Department of Justice, the second grant program is administered through the Department of Health and Human Services. The push is on from the local investigator to get a program up and running while this grant money is available. These grants are designed specifically to aid in the setup of the PMP programs. In fact, the money set aside is only available for the first 48 months of program operation. After that there is no guaranteed funding from the federal government for the ongoing administration of the program. The Association feels strongly that if the State of Alaska decides to take advantage of the federal monies to get a PMP program up and running, that a funding source for continued operation of the program needs to be delineated before the program is developed. The program should not be abandoned after only a short time because federal funds dry up. The expense of ongoing operation is estimated between \$100,000 and \$1,000,000 depending on the size of the state, program requirements, and software vendor chosen. States of similar size to Alaska are paying towards the lower end of this range. Still this is a cost that needs to be funded if the State is considering implementing this program and the source of the funding should be delineated before the program is ever put in place.

The second concern is for liability resulting from loss of control of HIPAA regulated information. An example is in order here. Currently the VA is facing a multi-billion, yes billion, dollar lawsuit due to inadvertent loss of control of veteran's health information. Just the defense against this class action lawsuit will run into the millions. Loss of the lawsuit would swamp the budget of the largest single program of the federal government. Where would the liability rest if the database was compromised through accident or intentional hacking? The Board of Pharmacy could not afford this kind of lawsuit. The State of Alaska budget would also be challenged by a lawsuit of similar magnitude. This is a worst case scenario but a risk that should be planned for and distributed appropriately before implementation of a program that has potential for disclosure of vast amounts of protected confidential information.

This brings us to the third concern which is oversight/administration of a PMP. The Board of Pharmacy is the body for the State of Alaska that is tasked with the protection of the public when it comes to pharmaceuticals, including the diversion and/or abuse of controlled substances. It should be this board that has oversight of the program, particularly regarding the punishment of pharmacies and/or pharmacists who do not comply with data collection and download requirements. The problems lie in the jurisdiction. Alaska is unique in that a significantly large number of prescriptions that are filled in this state do not fall under the jurisdiction of the State Board. Currently two large populations of state residents have their prescriptions filled at federal facilities which do not have to follow State laws and Board of Pharmacy regulations. These are the IHS and former IHS facilities such as SEAHIC and the Native Hospitals and the Veterans Administration, both of which dispense outpatient clinics. These two groups comprise about 20% of the population in the State of Alaska, a much higher proportion than in other states. In fact, our per capita veteran population is the highest in the nation. Perhaps, this program should be federally legislated to make sure it is comprehensive. This would make sense also for those states whose share state lines since diverters can easily cross over to other states to avoid detection throughout the lower 48. Why start up 50

E-mail: akphrmev@alaska.net

203 W. 15th Ave., Suite 100 • Anchorage, Alaska 99501 • (907) 563-8880 • (907) 563-7880

different programs that will eventually have to be combined into one program? The DEA is federal organization that was founded to prevent diversion of controlled substances; it is this organization that will benefit most from central databases of controlled substance dispensing records. The jurisdiction and funding should be through them since this is their federal mandate and all 50 states follow DEA guidelines for prevention of diversion.

Finally, and this segues nicely from the last question/solution, who are the beneficiaries of a PMP. The list includes the addicts who will be caught and hopefully treated and not just incarcerated, the diverters/dealers who will hopefully be incarcerated, the public who will benefit from having neither on the streets, the providers/physicians who will for the first time be able to prescreen pain patient's to see if they are "doctor shopping", and of course the regulatory agencies such as the DEA and the investigators for the State of Alaska Department of Commerce, Community and Economic Development. The membership of the Alaska Pharmacists Association, which is comprised of pharmacists, technicians, pharmacy business members, and pharmaceutical industry corporate members would like assurance that any program legislated into being has the funding source to continue to provide the valuable service that brought it into being in the first place. The funding source should be based upon the beneficiaries and not be mandated upon the members of our association through higher professional fees in the future. The funding source should come from the federal government for the reasons above. Lacking this foresight and federal resolve, secondarily it should come from the people of the State of Alaska through the State of Alaska Department of Commerce, Community and Economic Development from tax dollars. The pharmacists who will already be taxed fulfilling the computer system compatibility issues, data collection and download requirements, and final check for diversion of each controlled substance prescription, should not also be required to pay for administrative costs of maintaining a HIPPA regulated repository of controlled substances dispensing information.

John Wanek, Pharm.D.
AKPhA President

E-mail: akphrmev@alaska.net

203 W. 15th Ave., Suite 100 • Anchorage, Alaska 99501 • (907) 563-8880 • (907) 563-7880

OHIO Automated Rx Reporting System

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URL: <http://www.ohiopmp.gov>

Patient Rx History Report

BETTY TESTPATIENT

DATE: 1/29/08

Page 1 of 1

Search Criteria: (Last Name = 'TestPatient' And First Name = 'Betty') And D.O.B. = '1/1/1970' And Zip = '43215' And State = 'OH' and Request Period = '1/1/2007 12:00:00AM' to '1/29/2008 12:00:00AM'

Prescriptions

Date	Drug	Qty	Days	PLID	Prescriber	Written	Rx#	N/R	Pharm	Pay
9/5/2007	ALPRAZOLAM 1 MG TAB	120	30	1287	BAR	9/5/2007	04077535	N	RALEY	C
9/4/2007	ALPRAZOLAM 0.5 MG TAB	60	30	1289	ANT DE	9/4/2007	664233	N	W-G2694	CI
7/12/2007	ALPRAZOLAM 1 MG TAB	120	30	1287	BAR	7/12/2007	04076995	N	RALEY	C
4/19/2007	ALPRAZOLAM 1 MG TAB	120	30	1289	BAR	4/19/2007	0676157	N	HUGHES	C

N/R: N=New R=Refill

Pay: I=Insurance C=Cash M1=Medicare M2=Medicaid WC=Workers Comp CI=Commercial PBM Insurance U=Unknown

Total Proscriptions:

4

Prescribers for prescriptions listed

ANT DE DENNIS ANTHONY M, MD; , 5971 GOLF CLUB LANE,, HAMILTON OH 45011

BAR BARBERTON HEALTH SYSTEM, LLC; DBA BARBERTON CITIZENS HOSP DEPT OF PHARMACY, 155 FIFTH STREET, NE, BARBERTON OH 44203

Pharmacies that dispensed prescriptions listed

HUGHES HUGHES PHARMACY; , 302 MAIN ST,, HAMILTON OH 45013, PHONE (513) 868-1199

RALEY RALEY DRUG STORE, INC; , 1760 GOODYEAR BLVD,, AKRON OH 44305, PHONE (330) 784-3527

W-G2694 WALGREEN CO.; DBA WALGREENS # 02694, 385 NORTH H AND BLVD,, SPRINGDALE OH 45246, PHONE (513) 825-6446

Patients that match search criteria

1287 BETTY TESTPATIENT, DOB 1/1/1977, 123 BROADWAY, COLUMBUS OH 43215

1289 BETTY TESTPATIENT, DOB 1/1/1970, 234 WEST ST, WESTERVILLE OH 43081

Disclaimer: The State of Ohio does not warrant the above information to be accurate or complete. The Report is based on the search criteria entered and the data entered by the dispensing pharmacy. For more information about any prescription, please contact the dispensing pharmacy or the prescriber.