

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1691 SJ SB 289 - SB 327

BARROW SUPERIOR COURT

TRAVEL TO BARROW - 1981

			<u>Trips</u>
Jan.	Hodges	5 days	1
Feb.	X	5 days	1
March	X	2 days	1
April	X	4 days	2
May	X	3 days	1
June	X	2 days	1
July	X	9 days	3
Aug.	X	14 days	4
	Blair	1 day	1
Sept.	X	1 day	1
Oct.	Hodges	9 days	3
Nov.	X	4 days	2
Dec.	X	4 days	1
		<u>63 days</u>	<u>22 trips</u>

Felony Filings in District Court - 1981 - 79 cases  
 Felony Filings in Superior Court - 1981 - 51 cases  
 Felony Jury Trials - 1981 - 22

Felony Filings in District Court - 1981 - Nome - 43  
 Kotz - 49  
 Barrow - 79

Jury Fees - 1981  
 Nome - \$11,152  
 Barrow - \$21,757

# Memorandum

Alaska Court System

TO:  Arthur H. Snowden, II  
Administrative Director

DATE : January 4, 1982

FROM: Dick Delaplain *RWD*  
Manager of Technical Operations

SUBJECT: Review of Petersburg/  
Wrangell re. New Superior  
Court Judgeship

Pursuant to your request, Leanne Flickinger and I have reviewed the case filings, composition of filings, and judicial travel for Petersburg/Wrangell in comparison with Juneau, Ketchikan, and Sitka and have arrived at the following conclusion:

We can see no immediate need or justification for the creation of a new Superior Court judgeship to serve the Petersburg/Wrangell area.

Our conclusion is based on the following data.

## Case Filings - District Courts - Non-Traffic Cases

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>FY80/81</u>
Juneau	1,698	1,881	2,350	2,880
Ketchikan	1,467	1,374	1,432	1,801
Sitka	1,115	680	783	1,123
Petersburg/Wrangell	516	554	645	757

## District Court - Felony Filings & Dispositions FY80/81

	<u>Felony Filings</u>	<u>Dispositions</u>	<u>Held to Answer/ Indicted</u>
Juneau	98	59	33
Ketchikan	106	80	23
Sitka	57	43	0
Petersburg/Wrangell	31	19	5

Ketchikan Superior Court showed a sharp rise (50 cases) in felony filings in FY80/81. Some of these cases could have been indictments of individuals from the Petersburg/Wrangell area. We have no information as to home residence of defendants in these cases. Only 5 cases involved felony preliminary hearings in Petersburg or Wrangell that eventually went on to Ketchikan.

District Court & Superior Court Civil Filings FY80/81

	<u>District Court Civil</u>	<u>Superior Court Civil</u>	<u>Total</u>
Juneau	277	709	986
Ketchikan	64	430	494
Sitka	40	271	311
Petersburg/Wrangell	14	9	23

This data indicates that Petersburg/Wrangell does not generate enough Superior Court level activity to warrant having a full-time Superior Court judge. Felony case processing in Petersburg/Wrangell generated only 5 cases that were held to answer or indicted during processing. An unknown number of indictments could have gone directly to Ketchikan although Ketchikan only pulled one grand jury during 1981, so the number couldn't have been very high. Only 9 Superior Court level civil cases were generated in Petersburg/Wrangell.

Considering that Judge Taylor is also a Superior Court Master for civil matters, it seems unlikely that we would witness a dramatic increase in civil filings in this area if we suddenly had a Superior Court judge to handle civil matters.

We also looked at judicial travel during 1980 and 1981 as it is related to Petersburg/Wrangell. A summary of this data follows.

1980 Superior Court Judicial Support

	<u>Travel to Petersburg</u>	<u>to Wrangell</u>	<u>to Petersburg/Wrangell*</u>
January	-	-	-
February	-	Schultz - 8 days	-
March	-	-	Schultz - 1 day
April	-	-	Schultz - 1 day
May	-	-	-
June	-	-	Schultz - 2 days
July	-	-	Schultz - 3 days
August	-	-	Schultz - 1 day
September	Schultz - 3 days	-	-
October	-	-	-
November	-	-	-
December	-	-	-
	3 days	+ 8 days	+ 8 days = 22 days

1981 Superior Court Judicial Support

	<u>Travel to Petersburg</u>	<u>to Wrangell</u>	<u>to Petersburg/Wrangell*</u>
January	Stewart - 4 days	Schultz - 1 day	-
February	-	-	Schultz - 2 days
March	Craske - 2 days	-	-
April	-	-	-
May	-	-	Schultz - 2 days
June	Schultz - 1 day	-	-
July	Schultz - 1 day	-	-
August	-	-	-
September	-	-	-
October	-	-	-
November	-	-	-
December	-	-	Schultz - 2 days
	<hr/> 8 days	+ <hr/> 1 day	+ <hr/> 6 days = 15 days

The primary Superior Court support for Petersburg/Wrangell has come from Judge Schultz in Ketchikan. A Total of 22 days of judge time was given in 1980 and a total of 15 days d (including 4 by Stewart and 2 by Craske) was given in 1

Tr by District Court judges was as follows: Judge Williams spent 2 days in Wrangell in 1980. Judge Keene spent 20 days in Wrangell in 1981. Judge Taylor spent 20 days in Petersburg in 1980 and 22 days in Petersburg during 1981.

\*Specific site not identified on travel voucher.

All of our data (even if it were off by 50%) supports the conclusion that there is insufficient Superior Court workload generated in Wrangell and/or Petersburg to warrant the creation of a Superior Court judgeship.

If you have any questions regarding this memo or need additional data please call me.

Data Sources: Annual Report statistics.  
Judges travel vouchers '80/'81

cc: Leanne Flickinger  
Rick Barrier

THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.



Sen Rodey ① of ③  
**Natansonka-Susitna Borough**

BOX B, PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF ADMINISTRATION

January 29, 1982

The Honorable Patrick M. Rodey  
Chairman, Senate Judiciary Committee  
Alaska State Legislature  
Pouch Y  
Juneau, Alaska 99811

Dear Senator Rodey:

Re: Superior Court Judgeship in Palmer

By any traditional criteria for establishing a Superior Court  
~~Judgeship followed in Alaska in the past 20 years the Matanuska-Susitna~~  
Valley would have been entitled to Superior Court Judgeship some years ago.

At this time, there are 14 attorneys practicing in the Palmer--  
Wasilla area. This is a number probably in excess of the number of lawyers  
practicing in any of the following areas each of which have a Superior  
Court judge: Ketchikan, Sitka, Kodiak, the Kenai area, the Bethel area and  
the Nome area.

This part of Alaska is growing very rapidly. We currently have  
approximately 22,000 population. Over the past 20 years we have more than  
doubled population each decade. If we have 22,000 in 1980 we are almost  
certain to have 30 to 40,000 population in 1990.

The absence of a Superior Court judge creates additional cost and  
delay for local lawyers, businessmen and others who must, from time to  
time, find their recourse in the courts.

Although I would anticipate that a new Superior Court judge would  
be fully loaded with a case load from the very beginning, if there should  
be any slack time, as there occasionally is in some of the other judicial  
districts, it would be a fairly simple matter for the Palmer Superior Court  
Judge to render assistance to the Anchorage bench.

*See below (2) of (3)*

I would think that the Matanuska-Susitna Valley would meet any criteria that might be reasonably established for establishment of a new judgeship. If you have any questions regarding population growth, housing starts, etc. that might throw light on the total volume of activity that engenders a need for a Superior Court judgeship in this area, please let me know and we will furnish it.

Sincerely,

*Gary Thurlow*  
Gary Thurlow  
Borough Manager

er

cc: Senator Jalmar Kerttula  
Representative Pat Carney

---

*Sen Rodey*  
P. O. Box 4  
Palmer, AK 99645  
January 29, 1982

The Honorable Patrick M. Rodey  
Chairman, Senate Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

re: Superior Court Judgeship, sitting in Palmer, Alaska,  
House Bill #289

Dear Senator Rodey:

At its Board of Directors' meeting January 27, 1982, after review of statistics afforded by the Matanuska Bar Association, and serious consideration of the needs of the citizens of the city of Palmer and its surrounding communities, the Greater Palmer Chamber of Commerce unanimously agreed that the Matanuska Valley sorely needs a Superior Court judge sitting at Palmer, Alaska.

As such, I have been authorized and instructed as president of the Greater Palmer Chamber of Commerce to commit the following resolution to you:

BE IT RESOLVED:

That the president of the Greater Palmer Chamber of Commerce advise the chairman of the Senate Judiciary Committee, Senator Julius Kerttula, and Representative Pat Carney of its overwhelming support for Senate Bill #289, which provides for the appointment of a Superior Court Judge sitting at Palmer, Alaska.

Your serious consideration of the Chamber's resolution would be greatly appreciated.

Sincerely,

GREATER PALMER CHAMBER OF COMMERCE

by  
WILLIAM T. TULL  
President

THE PRECEDING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

## POSITION PAPER

SENATE BILL NO. 289

"An act increasing the number of superior court judges."

This bill increases the number of superior court judges from 23 to 25 by locating a superior court in Barrow and Valdez.

Historically, whenever a new judgeship and court is created at the superior level in a remote location of the state, a full workload is created for a district probation office. Probation officers are officers of the superior court and subject to the court's instruction and direction with regards to completing investigations for the court and supervising probationers. Probation itinerant service is acceptable when the judge also travels, but becomes unacceptable service to the court when the judge's position is fixed in one location but without the constant services of a probation officer. The court's policy of taking justice proceedings to the location of the incident to be adjudicated also demands the presence of a probation officer as part of the court retinue.

#### Adult Corrections

The towns of Barrow and Valdez are presently serviced by itinerant probation officers who travel out of Fairbanks and Anchorage respectively. It is not possible for the Division of Adult Corrections to relocate probation officer positions because of the present workloads in Fairbanks and Anchorage.

The department's having to establish probation offices in Nome, Sitka, and Bethel in the past are examples of what this position paper purports.

A workload standard of 65 units per month per officer is considered manageable. Last year's workload figures indicated that the Barrow itinerant officer averaged 33 units per month, and the Valdez itinerant officer averaged about 25 units per month. These figures do not represent the true picture as only mandatory minimum work was completed. No counseling, arranging services or on-going supervision of any significance was offered to probationers or parolees in these two areas.

If a superior court judge position is established in Barrow and Valdez, at least twice as many work units will be assigned within the year.

#### Youth Corrections

Presently, the Division of Family and Youth Services does not have probation officers in either of these jurisdictions. In Barrow the Division's staff consists of a social work supervisor and two social workers. The office handles an overall caseload of 225 (75 cases per worker). The office has no clerical support and no vehicles.

Recently, due to an increasing probation caseload in Barrow, the Division assigned the social work supervisor to do pre-disposition reports on adjudicated delinquents and to monitor the probationer's, rather than serve Barrow on an itinerant basis out of Fairbanks. In one month this has increased the work-

load in the office by an additional 37 cases.

The addition of a superior court judge in Barrow would further increase the office workload. The Division of Family and Youth Services would probably be assigned the court intake functions (now handled through the Fairbanks court intake office). This, basically, would result in the Division's workers screening every police contact with juveniles to determine the necessity for intervention.

The Department feels this increase in workload, along with the already high caseloads, necessitates the addition of one Probation Officer II and a Clerk Typist III, as well as a vehicle for the Barrow office.

The addition of a superior court judge in Valdez would make less of an impact initially on the Division's services in this area. The Division presently has a half-time social worker position in the Valdez office and has requested an increase of this position to full-time in the Governor's FY 82 budget. In addition, the Division has workers in Glenallen and Cordova. The Department feels it can handle most of the increased workload generated by the court through cross training of these workers to handle probation cases. However, the Department would request a Clerk Typist III and a vehicle to support the position in Valdez.

Recommended by: *C. F. Campbell*  
Charles F. Campbell, Director  
Division of Adult Corrections

Date: 4-6-81

Recommended by: *John Pugh*  
John Pugh, Director  
Division of Family and  
Youth Services

Date: 4/7/81

Approved by: *Helen D. Beirne*  
Helen D. Beirne, Commissioner  
Dept. of Health & Social Services

Date: 4/18/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 289

Title "An Act increasing the number of Superior Court judges."

Requested by Ferguson and Kerttula

Date 3/13/81

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services

Program Category Affected Offender Confinement, Reformation & Supervision

BRU, Program, or Subprogram(s) Affected Probation and Community Programs

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		158.0	172.2	187.7	204.6	223.0
200 TRAVEL		21.7	14.9	16.3	17.7	19.3
300 CONTRACTUAL		41.0	22.9	25.0	27.2	29.6
400 COMMODITIES		3.0	3.3	3.6	3.9	4.2
500 EQUIPMENT		8.9	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	232.6	213.3	232.6	253.4	276.1

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	232.6	213.3	232.6	253.4	276.1
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	4	4	4	4	4
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section 'II)

- A. It has been the experience of the Division of Adult Corrections that whenever a new judgeship and court is created at the Superior Court level in a remote location of the state, a full workload for a district probation office is created. Therefore, creating superior court judgeships in Barrow and Valdez will result in the requirement for new district offices in these two communities. Each office must be staffed with a Probation Officer III, with the clerical support of a Clerk Typist III.
- B. First year costs include \$20,000 for the purchase of two vehicles for the Department of Transportation/Public Facilities Highway Working Capital Fund, \$8,000 for office equipment for the four positions and

IV. DATE March 24, 1981

PREPARED BY Roger C. Lange

AGENCY Division of Adult Corrections

Original: Legislative Finance

PHONE 465-3376

cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval [Signature]

Date 4/3/81

\$8,000 for moving promoted employees to Barrow and Valdez. These one time costs were not carried forward into FY 1983 and subsequent years.

- C. Inflation was assumed to be 9% from year to year for all expenditure object groups.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. Senate Bill No. 289  
 Title "An Act increasing the number of superior court judges."  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL  
 Agency Affected Department of Health and Social Services  
 Program Category Affected Administration of Justice  
 BRU, Program, or Subprogram(s) Affected Youth Services Juvenile Probation and Parole  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		103.2	112.8	123.0	134.1	146.2
200 TRAVEL		9.0	9.8	10.7	11.7	12.8
300 CONTRACTUAL		32.7	35.6	38.8	42.3	46.1
400 COMMODITIES		1.2	1.3	1.4	1.5	1.6
500 EQUIPMENT		31.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		177.5	159.5	173.9	189.6	206.7

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		177.5	159.5	173.9	189.6	206.7
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		3.0	3.0	3.0	3.0	3.0
PART TIME						
TEMPORARY		36.0	36.0	36.0	36.0	36.0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The juvenile offender caseload increases which will result in the Barrow and Valdez areas by the addition of superior court judges require a Probation Officer II and a Clerk Typist III in Barrow (4th District). A Clerk Typist III will be required in Valdez (3rd District) to support the existing part-time Social Worker position which is being made full-time in the Governor's budget. Costs for FY 82 are as follows:

Juvenile Probation and Parole Component

	3rd District	4th District	Total
Personnel Services	\$26.3	\$ 77.2	\$103.5
Travel	3.2	5.8	9.0
Contractual	13.5	19.2	32.7
Commodities	.4	.8	1.2
Equipment	15.0	16.1	31.1
TOTALS	\$58.4	\$119.1	\$177.5

IV. DATE 2/1/81 PREPARED BY John R. Pugh, Director  
 AGENCY Division of Family and Youth Services  
 PHONE 465-3170

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

*D. M. ...*  
 4/8/81

Travel within the districts is necessary to provide counseling, to monitor juveniles on probation, and travel to the regional office for administrative meetings. Contractual includes communications, copier usage, office space rental, printing and advertising, and lease of a vehicle under the DOT/PF Highway Working Capital Fund. Commodities include expendable general office supplies. Equipment includes office furniture, and the initial vehicle purchase of a DOT/PF vehicle. The vehicles are essential for transporting juveniles.

An inflation factor of 9% has been added to estimated costs for FY 83-86.

Introduced: 3/13/81  
Referred: Judiciary and  
Finance

1 IN THE SENATE

BY FERGUSON AND KERTTULA

2 SENATE BILL NO. 289

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the number of superior court  
7 judges."

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

9 \* Section 1. AS 22.10.120 is amended to read:

10 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists  
11 of 25 [23] judges, four of whom shall be judges in the first judicial  
12 district, three [TWO] <sup>BAZETROW</sup> of whom shall be judges in the second judicial  
13 district, 13 [12] <sup>PRINCE</sup> of whom shall be judges in the third judicial  
14 district, and five of whom shall be judges in the fourth judicial  
15 district. At the time of submitting the names of nominees to the gover-  
16 nor to fill a vacancy on the superior court bench, the judicial council  
17 shall also designate the district in which the appointee is to reside  
18 and serve.

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20 JRO - Prince  
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*Correct  
7/PTF*

Introduced: 3/13/81  
Referred: Judiciary and  
Finance

1 IN THE SENATE

BY FERGUSON AND KERTTULA

2

SENATE BILL NO. 289

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act increasing the number of superior court

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

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PATRICK RODEY  
ANCHORAGE

601 W. 5TH AVE. SUITE 820  
ANCHORAGE, ALASKA 99501

Alaska State Senate  
JUNEAU, ALASKA 99811

DURING SESSION  
POUCH V  
JUNEAU, ALASKA 99811

March 31, 1981

Ms. Becky Gay  
P. O. Box 4-966  
Anchorage, Alaska 99509

Dear Ms. Gay:

Thank you for your comments on land disposals.

I agree with Senator Kerttula on this matter, having discussed it many times, and I intend to support SB 298 when it comes to the floor.

Sincerely,



Patrick M. Rodey

PMR/ods

5

MSG 81-00010255 PRTY 1 03/30/81 12:00:49 ORIG: LA00 IN= 0007 OUT= 00  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJH2 SUBJ: POM PAGE 00

TO: SENATORS RODEY, STURGULEWSKI, AND KERTTULA  
REPRESENTATIVES COTTEN AND CARNEY

FROM: BECKY GAY, PO BOX 4-966, ANC 99509, 240-3882

THE TOKOSHA CITIZENS COUNCIL SUPPORTS THE STAND OF THE MAT-SU  
ASSEMBLY AND SENATOR KERTTULA, REGARDING THE DNR SUBDIVISION DISPOSALS.  
WE URGE DNR TO REALIZE THE IMPACT THESE SUBDIVISIONS HAVE ON THE PRESENT  
RESIDENTS, AND THE FUTURE PROBLEMS THAT ARE IMPLICIT IN SUCH ILL PLANNED  
DISPOSALS. BECKY GAY, CO-CHAIRMAN, TOKOSHA CITIZENS COUNCIL

SB 298  
290 DAY EXTENSION

WRANGELL JUDICIAL UPGRADE TO SUPERIOR COURT JUDGE

JUDICIAL SALARY DIFFERENTIAL:

Superior Court Judge	\$69,240
District Court Judge	<u>59,844</u>
Difference	9,396
Variable Benefits (JRS & variable--1.0648)	<u>10,004</u>
COST TO UPGRADE JUDGE	<u>19,400</u>

CLERK UPGRADE:

Full Time, Range 10	17,196
Part Time, Range 10 (9 months)	<u>12,897</u>
Salary Difference	4,299
Variable Benefits (PERS, SBS, etc.)	<u>936</u>
COST TO UPGRADE CLERK	<u>5,235</u>

TOTAL COST \$24,635

FY 83 COST OF IMPLEMENTING SB 289

	<u>BARROW</u>	<u>PALMER</u>
JUDGE		
SALARY	\$ 78,600 (5)	\$ 69,240
BENEFITS:		
JRS, ACCIDENT, W.C., T.L. (106.48)	83,693	73,727
HI	2,196	2,196
SBS	2,188	2,188
TOTAL	<u>166,677</u>	<u>147,351</u>
LAW CLERK		
SALARY (13A)	30,576	23,136
BENEFITS:		
VARIABLE (.1504)	4,782	3,618
SBS	1,874	1,418
HI	2,196	2,196
TOTAL	<u>39,423</u>	<u>30,368</u>
SECRETARY		
SALARY (12B)	29,460	22,440
BENEFITS:		
VARIABLE	4,608	3,510
SBS	1,806	1,376
HI	2,196	2,196
TOTAL	<u>38,070</u>	<u>29,522</u>
TOTAL PERSONAL SVC.	244,175	207,241
TRAVEL (Including Moving Expense)	10,000	5,000
COMMODITIES	2,000	2,000
EQUIPMENT	9,000	9,000
	<hr/>	<hr/>
TOTAL FY 83 BUDGET	\$265,175	\$223,241

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 289  
 Title An Act Increasing the Number of Superior Court Judges  
 Requested by Senate Judiciary Committee Date 1/21/82

II. FISCAL DETAIL

Agency Affected Alaska Court System  
 Program Category Affected Administration of Justice  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		451.4	483.0	516.8	553.0	591.7
200 TRAVEL		15.0	5.0	6.0	7.0	8.0
300 CONTRACTUAL						
400 COMMODITIES		4.0	4.5	5.0	5.5	6.0
500 EQUIPMENT		18.0	-	-	2.0	2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		488.4	492.5	527.8	567.5	607.7

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		488.4	492.5	527.8	567.5	607.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		6	6	6	6	6
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

SB 289 establishes Superior Court Judge positions in Barrow and Palmer. The cost of establishing these positions and necessary support positions is provided on the attached budget sheet.

IV. DATE 1/22/82 PREPARED BY Richard P. Barrier  
 AGENCY Alaska Court System  
 Original: Legislative Finance PHONE 264-0545  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

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200 TRAVEL		15.0	5.0	6.0	7.0	8.0
300 CONTRACTUAL						
400 COMMODITIES		4.0	4.5	5.0	5.5	6.0
500 EQUIPMENT		18.0	-	-	2.0	2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		488.4	492.5	527.8	567.5	607.7

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		488.4	492.5	527.8	567.5	607.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		6	6	6	6	6
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

SB 289 establishes Superior Court Judge positions in Barrow and Palmer. The cost of establishing these positions and necessary support positions is provided on the attached budget sheet.

IV. DATE 1/22/82 PREPARED BY Richard P. Barrier  
AGENCY ALASKA COURT SYSTEM  
Original: Legislative Finance PHONE 264-0645  
cc: Budget and Management  
Prime Sponsor: First Legislator Name: \_\_\_\_\_  
Date: 1/22/82

FY 83 COST OF IMPLEMENTING SB 289

	<u>BARROW</u>		<u>PALMER</u>
JUDGE			
SALARY	\$ 78,600	(5)	\$ 69,240
BENEFITS:			
JRS, ACCIDENT, W.C., T.L. (106.48)	83,693		73,727
HI	2,196		2,196
SBS	2,188		2,188
TOTAL	<u>166,677</u>		<u>147,351</u>
LAW CLERK			
SALARY (13A)	30,576		23,136
BENEFITS:			
VARIABLE (.1504)	4,782		3,618
SBS	1,874		1,418
HI	2,196		2,196
TOTAL	<u>39,428</u>		<u>30,368</u>
SECRETARY			
SALARY (12B)	29,460		22,440
BENEFITS:			
VARIABLE	4,608		3,510
SBS	1,806		1,376
HI	2,196		2,196
TOTAL	<u>38,070</u>		<u>29,522</u>
TOTAL PERSONAL SVC.	244,175		207,241
TRAVEL (Including Moving Expense)	10,000		5,000
COMMODITIES	2,000		2,000
EQUIPMENT	9,000		9,000
TOTAL FY 83 BUDGET	<u>\$265,175</u>		<u>\$223,241</u>

WRANGELL JUDICIAL UPGRADE TO SUPERIOR COURT JUDGE

JUDICIAL SALARY DIFFERENTIAL:

Superior Court Judge	\$69,240
District Court Judge	59,844
Difference	<u>9,396</u>
Variable Benefits (JRS & variable--1.0648)	10,004
COST TO UPGRADE JUDGE	<u>19,400</u>

CLERK UPGRADE:

Full Time, Range 10	17,196
Part Time, Range 10 (9 months)	12,897
Salary Difference	<u>4,299</u>
Variable Benefits (PERS; SBS, etc.)	936
COST TO UPGRADE CLERK	<u>5,235</u>

TOTAL COST

\$24,635

CASE FILINGS - DISTRICT COURTS - NON-TRAFFIC CASES

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>FY 80/81</u>
Kenai	1406	1648	1875	1915
Kodiak	1692	1528	1474	1376
Palmer	1024	1102	1222	2176

DISTRICT COURT - FELONY FILINGS & DISPOSITIONS FY 80/81

	Felony Filings	Dispositions	Held to Answer/Indict
Kenai	58	36	12
Kodiak	134	74	23
Palmer	68	46	13

DISTRICT COURT & SUPERIOR COURT CIVIL FILINGS 80/81

	Dist. Court Level	Superior Court Level	Total
Kenai	538	467	1005
Kodiak	290	321	611
Palmer	1027	214	1241

BARROW SUPERIOR COURT

TRAVEL TO BARROW - 1981

			<u>Trips</u>
Jan.	Hodges	5 days	1
Feb.	X	5 days	1
March	X	2 days	1
April	X	4 days	2
May	X	3 days	1
June	X	2 days	1
July	X	9 days	3
Aug.	X	14 days	4
	Blair	1 day	1
Sept.	X	1 day	1
Oct.	Hodges	9 days	3
Nov.	X	4 days	2
Dec.	X	4 days	1
		<u>63 days</u>	<u>22 trips</u>

Felony Filings in District Court - 1981 - 79 cases  
 Felony Filings in Superior Court - 1981 - 51 cases  
 Felony Jury Trials - 1981 - 22

Felony Filings in District Court - 1981 - Nome - 43  
 Kotz - 49  
 Barrow - 79

Jury Fees - 1981  
 Nome - \$11,152  
 Barrow - \$21,757

# Memorandum

Alaska Court System

TO:  Arthur H. Snowden, II  
Administrative Director

DATE : January 4, 1982

FROM: Dick Delaplain *RWD*  
Manager of Technical Operations

SUBJECT: Review of Petersburg/  
Wrangell re. New Superior  
Court Judgeship

Pursuant to your request, Leanne Flickinger and I have reviewed the case filings, composition of filings, and judicial travel for Petersburg/Wrangell in comparison with Juneau, Ketchikan, and Sitka and have arrived at the following conclusion:

We can see no immediate need or justification for the creation of a new Superior Court judgeship to serve the Petersburg/Wrangell area.

Our conclusion is based on the following data.

## Case Filings - District Courts - Non-Traffic Cases

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>FY80/81</u>
Juneau	1,698	1,881	2,350	2,880
Ketchikan	1,467	1,374	1,432	1,801
Sitka	1,115	680	783	1,123
Petersburg/Wrangell	516	554	645	757

## District Court - Felony Filings & Dispositions FY80/81

	<u>Felony Filings</u>	<u>Dispositions</u>	<u>Held to Answer/ Indicted</u>
Juneau	98	59	33
Ketchikan	106	80	23
Sitka	57	43	0
Petersburg/Wrangell	31	19	5

Ketchikan Superior Court showed a sharp rise (50 cases) in felony filings in FY80/81. Some of these cases could have been indictments of individuals from the Petersburg/Wrangell area. We have no information as to home residence of defendants in these cases. Only 5 cases involved felony preliminary hearings in Petersburg or Wrangell that eventually went on to Ketchikan.

District Court & Superior Court Civil Filings FY80/81

	<u>District Court Civil</u>	<u>Superior Court Civil</u>	<u>Total</u>
Juneau	277	709	986
Ketchikan	64	430	494
Sitka	40	271	311
Petersburg/Wrangell	14	9	23

This data indicates that Petersburg/Wrangell does not generate enough Superior Court level activity to warrant having a full-time Superior Court judge. Felony case processing in Petersburg/Wrangell generated only 5 cases that were held to answer or indicted during processing. An unknown number of indictments could have gone directly to Ketchikan although Ketchikan only pulled one grand jury during 1981, so the number couldn't have been very high. Only 9 Superior Court level civil cases were generated in Petersburg/Wrangell.

Considering that Judge Taylor is also a Superior Court Master for civil matters, it seems unlikely that we would witness a dramatic increase in civil filings in this area if we suddenly had a Superior Court judge to handle civil matters.

We also looked at judicial travel during 1980 and 1981 as it is related to Petersburg/Wrangell. A summary of this data follows.

	<u>1980 Superior Court Judicial Support</u>		
	<u>Travel to Petersburg</u>	<u>to Wrangell</u>	<u>to Petersburg/Wrangell*</u>
January	-	-	-
February	-	Schultz - 8 days	-
March	-	-	Schultz - 1 day
April	-	-	Schultz - 1 day
May	-	-	-
June	-	-	Schultz - 2 days
July	-	-	Schultz - 3 days
August	-	-	Schultz - 1 day
September	Schultz - 3 days	-	-
October	-	-	-
November	-	-	-
December	-	-	-
	<hr/> 3 days	<hr/> 8 days	<hr/> 8 days = 22 days

	<u>1981 Superior Court Judicial Support</u>		
	<u>Travel to Petersburg</u>	<u>to Wrangell</u>	<u>to Petersburg/Wrangell*</u>
January	Stewart - 4 days	Schultz - 1 day	-
February	-	-	Schultz - 2 days
March	Craske - 2 days	-	-
April	-	-	-
May	-	-	Schultz - 2 days
June	Schultz - 1 day	-	-
July	Schultz - 1 day	-	-
August	-	-	-
September	-	-	-
October	-	-	-
November	-	-	-
December	-	-	Schultz - 2 days
	8 days	+ 1 day	+ 6 days = 15 days

The primary Superior Court support for Petersburg/Wrangell has come from Judge Schultz in Ketchikan. A Total of 22 days of judge time was given in 1980 and a total of 15 days days (including 4 by Stewart and 2 by Craske) was given in 1981.

Travel by District Court judges was as follows: Judge Williams spent 2 days in Wrangell in 1980. Judge Keene spent 2 days in Wrangell in 1981. Judge Taylor spent 20 days in Petersburg in 1980 and 22 days in Petersburg during 1981.

\*Specific site not identified on travel voucher.

All of our data (even if it were off by 50%) supports the conclusion that there is insufficient Superior Court workload generated in Wrangell and/or Petersburg to warrant the creation of a Superior Court judgeship.

If you have any questions regarding this memo or need additional data please call me.

Data Sources: Annual Report statistics.  
Judges travel vouchers '80/'81

cc: Leanne Flickinger  
Rick Barrier



THE HEART OF THE MATANUSKA VALLEY

## CITY OF PALMER

COUNCIL-MANAGER GOVERNMENT  
P.O. BOX 1368 • PHONE (907) 745-3271  
PALMER, ALASKA 99645

November 27, 1981

The Honorable Jalmar Kerttula  
Box Z  
Palmer, Alaska 99645

Dear Senator Kerttula,

At the City of Palmer regular City Council meeting held on November 24, 1981, the enclosed resolution was passed unanimously.

We believe it is imperative that a Superior Court be established here in the City of Palmer. The mode of operation that includes going to Anchorage creates a tremendous amount of non-productive man days per year, not only for our police force but the Alaska State Police as well. We must all strive for better efficiency.

I commend you and your fellow legislators for your perception in the growing needs to Alaskans.

Should you have any questions, please feel free to contact me.

Yours truly,

---

David L. Soulak  
City Manager  
City of Palmer

DLS/cac

Enclosure

CITY OF PALMER, ALASKA

RESOLUTION NO. 475

A RESOLUTION FOR ESTABLISHMENT OF A SUPERIOR COURT IN PALMER.

WHEREAS, the Palmer District Court, Third Judicial District serves an estimated population of 25,000 people in the Matanuska-Susitna Borough, and

WHEREAS, the Palmer District Court has had over sixty felony filings for Superior Court action in 1981 to date, and

WHEREAS, this court has handled over ninety divorce filings, and

WHEREAS, there has been over ninety other civil Superior Court filings, and

WHEREAS, there has been over twenty Superior Court Children Proceeding filings, and

WHEREAS, normal Superior Court matters are held in Anchorage which places an undue hardship upon police personnel and those involved in the matters before the Court, and

WHEREAS, since September 1, 1981 the Palmer District Court has been designated as a Probate Court and to date there has been eleven filings, and

WHEREAS, there has been over 815 other criminal filings in the Palmer District Court to date, and

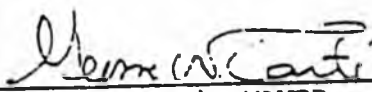
WHEREAS, in addition, there has been over 850 civil filings in district court, and

WHEREAS, the Palmer District Court has handled over 3400 traffic tickets to date,

NOW, THEREFORE, BE IT RESOLVED, the City of Palmer urges the State Legislature during the 1982 session to establish a full-time Superior Court in the Matanuska-Susitna Borough.

BE IT FURTHER RESOLVED, the establishment of a full-time permanent Superior Court in the City of Palmer with support staff will provide a needed service to all Borough residents as well as to many who reside outside of the Borough.

Passed and approved by the City of Palmer, City Council this 24th day of November, 1981.

  
\_\_\_\_\_  
GEORGE W. CARTER, MAYOR

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. C.S. for Senate Bill No. 289 (Judiciary)  
Title "An Act increasing the number of Superior Court Judges."  
Requested by Judiciary Committee Date February 2, 1982

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services  
Program Category Affected Offender Confinement, Reformation & Supervision  
BRU, Program, Or Subprogram(s) Affected Probation & Community Programs  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		163.5	175.0	187.2	200.3	214.3
200 TRAVEL		32.9	16.2	17.7	19.3	21.0
300 CONTRACTUAL		44.7	25.0	27.2	29.7	32.3
400 COMMODITIES		3.3	3.6	3.9	4.2	4.6
500 EQUIPMENT		8.9				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	253.3	219.8	236.0	253.5	272.2

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	253.3	219.8	236.0	253.5	272.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	4	4	4	4	4
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

- A. It has been the experience of the Division of Adult Corrections that whenever a new judgeship and court is created at the Superior Court level in a remote location of the state, a full workload for a district probation office is created. Therefore, creating superior court judgeships in Barrow and Wrangell will result in the requirement for new district offices in these two communities. Each office must be staffed with a Probation Officer III, with the clerical support of a Clerk Typist III. Since a district probation office exists in Palmer, no additional staff will be required for the new Superior Court judgeship in the Third Judicial District.
- B. First year costs include \$21,800 for the purchase of two vehicles for the Department of Transportation/Public Facilities Highway Working Capital Fund, \$8,900 for office equipment for the four

IV. DATE February 16, 1982 PREPARED BY Roger C. Lange  
AGENCY Division of Adult Corrections

Original: Legislative Finance PHONE 465-3376  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

JOC

Bill No. C.S. for Senate Bill 289 (Judiciary) Continuation

positions and \$18,000 for moving promoted employees to Barrow and Wrangell. These one time costs were not carried forward into FY 1984 and subsequent years.

C. Inflation was assumed to be 9% from year to year for all expenditure object groups, with the exception of Personal Services where 7% was used.

D. Personal Services Costs:

Probation Officer III - Barrow

Annual Salary	at \$3917/mo.	\$47,004
Variable Benefits	at 16.63%	7,817
Supplemental Benefits	at 6.13%	2,881
Health Insurance	at \$ 183/mo.	2,196
	TOTAL	<u>\$59,898</u>

Probation Officer III - Wrangell

Annual Salary	at \$2998/mo.	\$35,076
Variable Benefits	at 16.63%	5,983
Supplemental Benefits	at 6.13%	2,205
Health Insurance	at \$ 183/mo.	2,196
	TOTAL	<u>\$46,360</u>

Clerk-Typist III - Barrow

Annual Salary	at \$2010/mo.	\$24,120
Variable Benefits	at 16.63%	4,011
Supplemental Benefits	at 6.13%	1,479
Health Insurance	at \$ 183/mo.	2,196
	TOTAL	<u>\$31,806</u>

Clerk-Typist III - Wrangell

Annual Salary	at \$1570/mo.	\$18,936
Variable Benefits	at 16.63%	3,149
Supplemental Benefits	at 6.13%	1,161
Health Insurance	at \$ 183/mo.	2,196
	TOTAL	<u>\$25,442</u>

TOTAL SALARIES \$163,506

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS Senate Bill No. 289

Title "An Act increasing the number of superior court judges."

Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Administration of Justice & Social Services

BRU, Program, Or Subprogram(s) Affected Youth Svcs., 2nd & 4th Dist., Soc. Svcs. So. Reg.

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		44.7	48.7	53.1	57.9	63.1
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES		.4	.4	.5	.5	.6
500 EQUIPMENT		14.9				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		60.0	49.1	53.6	58.4	63.7

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		60.0	49.1	53.6	58.4	63.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		2.0	2.0	2.0	2.0	2.0
PART TIME		(1.0)				
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Youth Services, 2nd and 4th Districts of Family and Youth Services, Barrow:

In Barrow the Divisions staff consists of a social work supervisor, two social workers, and one probation officer (new in FY 82). The office handles one of the highest caseloads in the State. In March, 1981 the Division began serving delinquents through the local office rather than on an itinerant basis. Within two months the office had a full caseload of delinquent youth. The addition of a superior court judge would further increase the office workload. The Department feels this increase in workload, along with the already high caseload, necessitates the addition of a Clerk Typist III, as well as a vehicle for the Barrow office.

CONTINUED ON PAGE 2

IV. DATE February 18, 1982

PREPARED BY *John R. Pugh* John R. Pugh, Director

AGENCY Division of Family & Youth Services

Original: Legislative Finance

PHONE 468-3170

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Fiscal Year 83 costs are as follows (future years estimates include a 9% inflation factor):

Personal Services

Clerk Typist III, Barrow 8B	\$2,010/mo. x 12 =	\$24,120
	Benefits .1663	4,011
	SBP .0613	1,479
	HI 183 x 12	2,196
		<u>\$31,806</u>

Commodities

General Office Supplies	\$	400
-------------------------	----	-----

Equipment

DOT Vehicle Purchase	\$14,000
----------------------	----------

Desk	\$580	
Chair	270	
	<u>\$850</u>	
Freight 5%	43	
	<u>\$893</u>	
		893
		<u>\$14,893</u>

TOTAL COSTS: \$47,099

Social Services, Southern Region, Wrangell:

The addition of a superior court judge in Wrangell would increase the number of legal documents required to be submitted by the Wrangell office of the Division of Family and Youth Services. To meet the increased workload, the existing Clerk Typist III position must be upgraded from part-time to full-time.

Salary	\$1,502/mo. x 6 mos. =	\$ 9,012
Benefits	at .1655 =	1,491
Supp. Benefits	at .0613 =	552
Health Ins.	at \$150/mo. =	1,800
		<u>\$12,885</u>

1	POSITION TITLE Clerk Typist III				RANGE/STEP 8B	BARG. UNIT. GGU	LOCATION Barrow	GOV	APPROV	DISAP
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY		FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:  This position will provide the sole clerical support for the Barrow office of the Division of Family and Youth Services, which is presently comprised of four professional staff.				
	1	2	3							
4	PERSONAL SERVICES:									
	SALARY		24,120							
5	BENEFITS		4,011							
6	FICA		1,479							
7	HEALTH INS		2,196							
8	TOTAL PERSONAL SERVICES		31,806							
9	TRAVEL									
10	CONTRACTUAL									
11	COMMODITIES		400							
12	EQUIPMENT		14,893							
13	OTHER									
14	TOTAL COS:		47,099							
	CODE	FUNDING SOURCE								
15		FED RCPTS.								
16		GF MATCH.								
17		GEN. FUND		47,099						
18		I-A RCPTS.								
19		PGM RCPTS								
20		OTHER								
21	CONTINUATION		FOR B&M USE ONLY							
22	ADDITION									
4A KEY NUMBER		COLUMN NO.								

AGENCY Department of Health and Social Services PROGRAM Administration of Justice  
 BRU Youth Services  
 COMPONENT Second and Fourth Districts

**13 REQUEST FOR NEW POSITION.**

**FY 82**

1	POSITION TITLE Clerk Typist III			RANGE/STEP 8B	BARG. UNIT. GGU	LOCATION Wrangell	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 6	RP No.	PCN No. 3399	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		<b>JUSTIFICATION:</b>  The increase of this position from part-time to full-time will be required to provide all clerical support functions for the Family Services office in Wrangell. The increased caseload will result in an additional workload in case record transcription, documents for court hearings, filing, recordkeeping and other related functions.			
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY		9,012						
5	BENEFITS		1,491						
6	SBS		552						
7	FIXED BENEFITS		1,800						
8	TOTAL PERSONAL SERVICES		01	12,885					
9	TRAVEL		02						
10	CONTRACTUAL		03						
11	COMMODITIES		04						
12	EQUIPMENT		05						
13	OTHER								
14	TOTAL COST			12,885					
	RECEIPT CODE	FUNDING SOURCE							
15		FED RCPTS. 1002							
16		GF MATCH. 1003							
17		GEN. FUND 1004		12,885					
18		I-A RCPTS. 1005							
19		PGM RCPTS 1028							
20		OTHER							
21	CONTINUATION		FOR B&M USE ONLY						
22	ADDITION								
4A KEY NUMBER				COLUMN NO.					

AGENCY Department of Health and Social Services PROGRAM Social & Econ. Asst. for the Gen. Pop.

BRU Social Services

COMPONENT Southern Region

**13 REQUEST FOR NEW POSITION.**

Page 2 of 2 REVISED DATE \_\_\_\_\_

**FY 83**

*Corrections*  
*FYS*  
*Joint P+FC*

Original Sponsors: Ferguson and Kerttula

Offered: *2/27/82*  
Referred: *Finance*

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 289 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act increasing the number of superior court judges."

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

8

\* Section 1. AS 22.10.120 is amended to read:

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Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists of 26 [23] judges, five [FOUR] of whom shall be judges in the first judicial district, three [TWO] of whom shall be judges in the second judicial district, 13 [12] of whom shall be judges in the third judicial district, and five of whom shall be judges in the fourth judicial district. At the time of submitting the names of nominees to the governor to fill a vacancy on the superior court bench, the judicial council shall also designate the district in which the appointee is to reside and serve.

FRANK Smyg

264-0574

Shirley S. COURT  
D COURT

MILWAUKEE -

ADDITIONAL PERSONNEL

ASSISTANCE Superior COURT LAW CLERK	}	Borrow - more work coming in
---	---	------------------------------

~~270,000~~

270,000

18% a year

PRIMER JUDGE LAW CLERK CLERICAL	}	225,000 + 18% a year
--	---	----------------------

1<sup>ST</sup> DISTRICT

Monday - 1:30

SB 289

DA - Stream reports that Bill will  
have a fiscal impact

PD - have contacted Bob Stokes, ~~the~~  
will w/up figures with site demands

S

B

Z

9

9

COMMITTEE REPORT

SENATE

5/12/81

FURTHER: None

Date: FEB 3, 1982

Mr. President:

The Committee on JUDICIARY has had SB 299

elections

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[X] replace with CS for SB 299 [X] same title [ ] new title

and recommends

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

Handwritten signature: R

Handwritten signature: [unclear]

CHAIRMAN

STATE OF ALASKA



POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3822

SENATOR TIM KELLY

283 MULDOON ROAD  
STATION BOX 76  
ANCHORAGE, ALASKA 99504  
(907) 333-1179

TO: Senator Roday  
Chair, Senate Judiciary Committee

FROM: Senator Kelly

EDK

DATE: January 27, 1982

RE: SB 299

---

Attached is a letter from Patty Ann Polley, Director of Elections regarding SB 299. I would like to ask the Judiciary Committee to prepare a CS with the sections Patty Ann has indicated as vital for the upcoming elections.

Please feel free to contact me if you should have any questions on this legislation.

Thank you.

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR  
TERRY MILLER, Lt. Gov.

## OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

POUCH AF—JUNEAU 99811

January 26, 1982

The Honorable Tim Kelly  
State Senator  
Pouch V  
Juneau, AK 99811

Dear Senator Kelly:

As the Division of Elections seeks to complete the procedural changes for the conduct of the 1982 Primary and General Elections, consideration needs to be given to the remaining clean up of Title 15, the Election Code.

Senate Bill 299 contains sections relating to the questioning of a voter's ballot and procedures for the state ballot counting review. These sections do not currently appear in Title 15 and without enactment of a version of these sections, problems will occur during the elections. Without enactment of the section involving questioning a voter's ballot, an election board, watcher, or other citizen cannot question a voter's ballot. It is, also, vital that the sections regarding the State Ballot Counting Review Board be enacted so procedures can be in effect for the review of the results of the counting of the ballots.

In Senate Bill 299, the most important sections and their titles are:

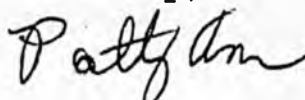
Section 5	AS 15.10.160	Appointment of Party Representatives for State Ballot Counting Review
Section 8	AS 15.15.210	Questioning of Voters of Suspect Qualification
Section 19	AS 15.20.220	Procedures for State Review

The remaining sections of Senate Bill 299 are clarifications of existing law and are not nearly as important as the above three sections.

Because Alaska is under the provisions of the Voting Rights Act, any changes enacted must be submitted to the Department of Justice for review. Without the review and approval by the Department of Justice, the changes cannot be implemented. At a very minimum, 60 days is required for review of proposed election changes by the Department of Justice. Usually 120 to 140 days are necessary for this review process to occur, therefore, I urge you to consider any election law changes at your earliest convenience.

If I may be of any assistance, please call on me.

Sincerely,

A handwritten signature in cursive script that reads "Patty Ann".

Patty Ann Polley  
Director of Elections



Official Business

# Alaska State Legislature

## Senate

### Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### A G E N D A

Monday, May 18, 1981 - 1:30 p.m.  
Butrovich Committee Room

#### CALL TO ORDER

#### LEGISLATION BEFORE COMMITTEE:

SCR 1 Proposing an amendment to the uniform Rules of the Alaska State Legislature relating to conference committees and free conference committees.

SB 299 "An Act relating to elections."

SB 266 "An Act establishing an official policy for using neutral pronouns in Alaska Statutes; and providing for an effective date."

#### SCHEDULED TESTIMONY:

SCR 1 Senator Tim Kelly

SB 299 Senator Tim Kelly  
Patty Ann Polley, Director  
Division of Elections

ADJOURN



THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill No. 299 (State Affairs)  
 Title "An Act relating to elections"  
 Requested by State Affairs Committee Date 2/3/82

II. FISCAL DETAIL

Agency Affected Office of the Governor  
 Program Category Affected Division of Elections  
 BRU, Program, Or Subprogram(s) Affected Division of Elections  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	- 0 -	- 0 -	- 0 -	- 0 -		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No additional fiscal impact will occur with  
CS SB 299 (State Affairs).

IV. DATE 2/3/82 PREPARED BY *Danith D. Arnoldt*  
 AGENCY Division of Elections  
 PHONE 586-6181

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)



Official Business

# Alaska State Legislature

## Senate

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 3, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

SB 688 - "An Act making special appropriation to the Department of Public Safety for a computerized fingerprint system; and providing for an effective date."

SB 687 - "An Act relating to the issuance of search warrants; and changing Rule 37, Rules of Criminal Procedure."

SB 299 - "An Act relating to elections."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:45 P.M. Committee members present were: Senators Rodey, Ray, Parr, and Bennett. Senator Hohman was absent.

The first item on the agenda was SB 687. Barry Stern, representing the Department of Law was called before the committee to testify. Mr. Stern expressed the Department's support for this SB 687 and suggested an amendment to this bill which would require persons who request warrants to first contact the District Attorney to avoid any warrants be inappropriately issued.

Mr. Bruce responded to Mr. Stern's suggested amendment, stating that he had spoken to several District Attorney's and they had expressed concern that by having to contact the District Attorney, it would delay the issuance of the warrant.

The committee declined to adopt Mr. Stern's amendment.

Chairman Rodey next called Mr. Korhonen, representing the State Troopers, before the committee. Mr. Korhonen testified, expressing the State Troopers support for SB 687.

Senator Ray moved that SB 687 be moved from committee with individual recommendations. There was no objection, and the bill was passed. Senator Rodey, Ray, Parr, and Bennett all signed do pass.

Senator Bennett was excused from the committee due to Finance Committee responsibilities.

The next item on the agenda was SB 688.

Chairman Rodey recalled Mr. Korhonen before the committee. Mr. Korhonen expressed the State Troopers support for SB 688 and gave a detailed explanation of the system's capabilities.

After brief discussion of the bill, Senator Ray moved that SB 688 be passed from committee with individual recommendations. There was no objection and the bill was passed. Senators Rodey, Ray, and Parr all signed do pass.

The last item before the committee was SB 299. Chairman Rodey called Patty Ann Polley, Division of Elections, to testify. She spoke in favor of three specific sections of the bill; Sec. 6, Sec. 9, and Sec. 20, and asked that the committee consider moving these three sections through the committee as expeditiously as possible to allow for them to be in effect for the 1982 election.

Senator Ray moved that the committee delete all sections from SB 299 except Sec. 6, Sec. 9, and Sec. 20. There was no objection and the amendment was adopted.

Senator Ray moved that the committee move SB 299 from committee. There was no objection and the bill was passed. Senators Rodey and Parr signed do pass. Senator Ray signed no recommendation.

Chairman Rodey adjourned the meeting at 2:30 P.M.

# STATE OF ALASKA

## OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR

TERRY MILLER, LT. GOV.

586-6181

POUCH AF—JUNEAU 75 311

January 26, 1982

The Honorable Patrick Rodey  
State Senator  
Pouch V  
Juneau, AK 99811

Dear Senator Rodey:

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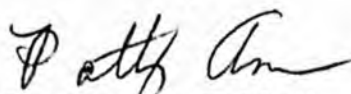
Section <b>6</b>	AS 15.10.180	Appointment of Party Representatives for State Ballot Counting Review
Section <b>9</b>	AS 15.15.210	Questioning of Voters of Suspect Qualification
Section <b>20</b>	AS 15.20.220	Procedures for State Review

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A handwritten signature in cursive script, appearing to read "Patty Ann Polley".

Patty Ann Polley  
Director of Elections

## Analysis of Senate Bill 299

- Section 1. AS 15.07.070(c) is amended to clarify dating on a completed voter registration card which is mailed to the Elections Offices. The change is to make the date of registration the date as shown on the voter registration card rather than the postmark date which frequently does not appear on the envelope.
- Section 2. AS 15.07.070(f) is amended to clarify the dating as shown on a voter registration card. The controlling date is to be the date of re-execution, not a postmark date which may not appear on the envelope.
- Section 3. AS 15.07.135 is amended so the wording is consistent with that appearing in AS 15.05.030.
- Section 4. AS 15.07.140 is amended to clarify the persons who are to post lists of registered voters 40 days before an election. The change is so any election officials - registrars, or election board members - may post the list. As the statute is currently written, only a registration official can do the posting. In a small precinct a registrar may not be available to post the list but the change will allow for other officials to be assigned the task.
- Section 5. AS 15.10.180 is amended to remove the reference to "canvass". When the election bill, Ch. 100, SLA 1980, was approved, a decision was made to clarify the word "canvass" which had a dual meaning. Inadvertently, the reference for the State Ballot Counting Review was not changed; hence, this amendment makes that change. The word "canvass" was used to refer both to the review of material and to the counting of ballots.
- Section 6. AS 15.15.140(a) is amended to clarify that the materials are to be available so the voters may make their intent known as opposed to the election board or other persons acting on the behalf of voters.
- Section 7. AS 15.15.195 is amended so that the voter's name must appear on the list of registered voters. As this section is written, it seems that the voter may be allowed to vote if he or she stands or sits on the list of registered voters.
- Section 8. AS 15.15.210 is added. During the review following passage of Chapter 100, SLA 1980, it was determined that this section had been both added and deleted. The law as currently written does not allow for persons to be questioned by election boards, watchers or other persons available at the polls. This section specifies procedures for the questioning of a person's vote by the election board, watchers or other persons available at the polls.

- Section 9. AS 15.15.215 is amended to clarify that the district questioned ballot counting board is responsible for determining the merits of a questioned ballot. The law as currently written seems unclear as to whether the responsibility falls to the election supervisor or the board.
- Section 10. AS 15.15.240 is revised to clarify that an election board member or a person of the voter's choice may provide assistance to the voter. The law makes reference to an election judge as the only official who can assist the voter. Other members of the board, such as the clerk, may be better qualified to assist the voter but under current law would be unable to provide assistance.
- Section 11. AS 15.15.260 is amended to allow for any member of the election board to remove the numbered stubs from the ballot and to provide instructions to the voter. Currently, the law only allows an election judge to have this responsibility. It is more realistic that a clerk or other board member may be assigned the duty.
- Section 12. AS 15.15.300 is amended to clarify that a replacement ballot is not to be provided to a voter who improperly exhibits a ballot. The law as previously written provided no procedural instructions to follow if a ballot was unlawfully exhibited by a voter.
- Section 13. AS 15.15.330 is amended to remove the word "immediately" in reference to opening the ballot box and the counting of ballots. The election board has other responsibilities which must be completed before the ballot box is opened. Those other responsibilities include the recording of the numbers from the stubs of the unused ballots, the disposal of the unused ballots and certain other recording duties.
- Section 14. AS 15.15.360(c) is amended to provide for the procedures to be followed in the counting of hand-marked punch-card sample ballots. This would be necessary in the case where an election board or absentee voting official runs out of official punch-card ballots. A sample punch-card ballot would then be provided and would be marked with a pen or pencil. The outline of procedures for counting these ballots is, therefore, outlined in this amendment.
- Section 15. AS 15.15.420 is amended to make clear that the Director and the State Ballot Counting Review Board review the results of the counting of the ballots. As the law is written, the Board and Director must review the counting which occurs in 300 separate locations.
- Section 16. AS 15.15.430(a) is amended to make clear that the review by the State Ballot Counting Review Board and the Director is of the results of the ballot counting, not the observation of ballot counting in several hundred locations.

- Section 17. AS 15.20.071(c) is to clarify the procedure and to make it clear that an absentee ballot by personal representation must be returned to the issuing official within three days. If the ballot is not returned within the allowable time, the ballot is not to be counted. The three day time period for the return of the personal representative ballot is firm except all personal representative ballots must be returned no later than election day.
- Section 18. AS 15.20.190(a) is amended to make clear that the pay for some election officials may be different than the pay set for election board members who work on election day at the polls.
- Section 19. AS 15.20.220 is a new section which was originally included in Chapter 100, SLA 1980, but a numbering problem caused this section to be deleted. The section explains the procedure to be followed in reviewing the questioned and absentee ballot certificates and the provision for the counting of ballots received after the completion of the district review but prior to the completion of the state review.
- Section 20. AS 15.60.010(4) is amended to allow for the inclusion of all persons who serve on the election board in the definition of "election board".
- Section 21. AS 15.60.010(6) is an expansion of the definition of "election official" to include registration officials and registrars.
- Section 22. AS 15.60.010(10) revises the definition of "hand-marked ballot". By the definition the ballot must be designated a hand-marked ballot; but we feel no designation is required. The fact that a ballot is marked by hand with a pen or pencil is sufficient.

the Britons used to hold their courts, the judge sitting on the eminence; the parties, etc., on an elevated platform below. Enc.Lond.

**MOOT MAN.** One of those who used to argue the reader's cases in the inns of court.

**MOOTA CANUM.** In old English law, a pack of dogs. Cowell.

**MOOTER.** Marijuana is popularly known among the criminal element as "muggles," or "mooter" and addicts are commonly termed "muggle heads." State v. Navaro, 83 Utah 6, 26 P.2d 955.

**MOOTING.** The exercise of arguing questions of law or equity, raised for the purpose. See Moot.

**MORA.** Lat. In the civil law, delay; default; neglect; culpable delay or default. Calvin.

**MORA.** Sax. A moor; barren or unprofitable ground; marsh; a heath; a watery bog or moor. Co.Litt. 5; Fleta, 1, 2, c. 71.

**MORA MUSSA.** A watery or boggy moor; a morass.

**MORA REPROBATUR IN LEGE.** Delay is reprobated in law. Jenk.Cent. p. 51, case 97.

**MORAL.** Pertains to character, conduct, intention, social relations, etc. United States v. Carrollo, D.C.Mo., 30 F.Supp. 3, 6.

1. Pertaining or relating to the conscience or moral sense or to the general principles of right conduct.

2. Cognizable or enforceable only by the conscience or by the principles of right conduct, as distinguished from positive law.

3. Depending upon or resulting from probability; raising a belief or conviction in the mind independent of strict or logical proof.

4. Involving or affecting the moral sense; as in the phrase "moral insanity."

**MORAL ACTIONS.** Those only in which men have knowledge to guide them, and a will to choose for themselves. Ruth, Inst. lib. 1, c. 1.

**MORAL CERTAINTY.** That degree of assurance which induces a man of sound mind to act, without doubt, upon the conclusions to which it leads. Wills, Circ.Ev. 7. A high degree of impression of the truth of a fact, falling short of absolute certainty, but sufficient to justify a verdict of guilty, even in a capital case. Burrill, Circ.Ev. 198-200.

As explained in the Century Dictionary, it signifies a probability sufficiently strong to justify action on it. In Webster's International, the first definition given is, "a very high degree of probability, although not demonstrable, as a certainty." It has also been used as indicating a conclusion of the mind established beyond a reasonable doubt. Gray v. State, 50 Okl.Cr. 208, 38 P.2d 967.

The phrase "moral certainty" has been introduced into our jurisprudence from the publicists and metaphysicians.

very lowest presumption." Com. v. Costley, 118 Mass. 11.

**MORAL CONSIDERATION.** See Consideration.

**MORAL DURESS.** Consists in imposition, oppression, undue influence, or the taking of undue advantage of the business or financial stress or extreme necessity or weakness of another. Lafayette Dramatic Productions v. Ferentz, 305 Mich. 193, 9 N.W.2d 57, 66, 145 A.L.R. 1158.

**MORAL EVIDENCE.** As opposed to "mathematical" or "demonstrative" evidence, this term denotes that kind of evidence which, without developing an absolute and necessary certainty, generates a high degree of probability or persuasive force. It is founded upon analogy or induction, experience of the ordinary course of nature or the sequence of events, and the testimony of men.

**MORAL FRAUD.** This phrase is one of the less usual designations of "actual" or "positive" fraud or "fraud in fact," as distinguished from "constructive" fraud or "fraud in law." It means fraud which involves actual guilt, a wrongful purpose, or moral obliquity.

**MORAL HAZARD.** See Hazard.

**MORAL INSANITY.** See Insanity.

**MORAL LAW.** The law of conscience; the aggregate of those rules and principles of ethics which relate to right and wrong conduct and prescribe the standards to which the actions of men should conform in their dealings with each other. Moore v. Strickling, 46 W.Va. 515, 33 S.E. 274, 50 L.R.A. 279.

**MORAL OBLIGATION.** See Obligation.

**MORAL TURPITUDE.** An act of baseness, villainess, or depravity in the private and social duties which a man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man. Traders & General Ins. Co. v. Russell, Tex.Civ. App., 99 S.W.2d 1079, 1084; Jordan v. De George, 341 U.S. 223, 71 S.Ct. 703, 706.

Conduct contrary to justice, honesty, modesty, or good morals. Marsh v. State Bar of California, 210 Cal. 303, 291 P. 583, 584.

**MORANDÆ SOLUTIONIS CAUSA.** Lat. For the purpose of delaying or postponing payment or performance.

**MORATORIUM.** A term designating suspension of all or of certain legal remedies against debtors, sometimes authorized by law during financial distress. Brown v. State Nat. Bank of Shawnee, 133 Okl. 173, 271 P. 833, 834. A period of permissive or obligatory delay; specifically, a period during which an obligor has a legal right to delay meeting

of his opponent and deterring

**MORAVIANS.** or "United Brotherhood" social polity sprung up in the mining of that region of St. Peter and so many of them give evidence Steph.Comm.

**MORBUS SILENSIS.** A sickness which tends to burst

**MORE COLOR.** band-like man

**MORE OR LESS.** proximately; the risk of an accident. v. Hicks, 242

The words are inaccurate in the S.W.2d and care of the substance importance conferred. Crowl v.

**MOREOVER.** more, likewise. v. Cerri, 93 Okl. 1917A, 486; A 168 P. 1153, 1154

**MORGANATI.**

**MORGANGING.** the morning a band's gift to a friend. Du Car

**MORGEN.** A measure of

**MORGUE.** A found dead are to view to the them.

**MORMON.** Christ of Lat. organized in 1830 Smith, and tod City, Utah.

**MORON.** One exceeds normally then is arrested mental child of a N.Y. 61, 134 N.

56299

*State of Alaska*

Analysis of Senate Bill 299

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S

B

303

# COMMITTEE REPORT

## SENATE

FURTHER: Finance

3/18/81

Date: \_\_\_\_\_

Mr. President:

The Committee on JUDICIARY has had SB 303

making a special appropriation to the Alaska Code Revision Comm.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass *INDIV RET.*  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Signature]*

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*[Signature]*

*[Signature]*

*[Signature]*

CHAIRMAN

*DO PASS*



Official Business

# Alaska State Legislature

## Senate

### Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### A G E N D A

Senate Judiciary Committee Hearing  
Wednesday, April 8, 1981 - 1:30 p.m.  
Butrovich Committee Room

CALL TO ORDER

#### LEGISLATION BEFORE COMMITTEE:

SB 331 "An Act relating to the disqualification, suspension, removal, retirement, and censure of judges; and implementing Art. IV, Sec. 10 of the state constitution."

#### SCHEDULED TESTIMONY:

Bert Campbell, Chairman  
Judicial Qualifications Commission

SB 303 "An Act making a special appropriation to the Alaska Code Revision Commission to research and draft Alaska hire legislation; and providing for an effective date."

AJOURN

S

B

3

27



✓ Out Supreme Court Decision  
Exempting Board members from  
Confirmation.

Original sponsor: Parr

Offered: 3/10/82  
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

*CS 327*

2 CS FOR SENATE BILL NO. 327 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to parole of offenders; continuing  
7 the existence of the Board of Parole; and providing  
8 for an effective date."

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

10 \* Section 1. AS 33 is amended by adding a new chapter to read:

11 CHAPTER 16. PAROLE ADMINISTRATION.

12 Sec. 33.16.010. BOARD OF PAROLE. (a) There is in the Department  
13 of Health and Social Services a Board of Parole consisting of five  
14 members appointed by the governor subject to confirmation by a majority  
15 of the members of the legislature in joint session.

16 (b) Members of the board serve for staggered terms of five years  
17 and until their successors are appointed and qualified. A vacancy on  
18 the board shall be ~~filled~~ <sup>FILLED AND APPOINTED</sup> for the unexpired term. ~~and made~~ <sup>WITHIN 30 DAYS.</sup>

19 (c) The board shall choose its presiding officer from among its  
20 membership. <sup>(</sup> for a two-year term. <sup>)</sup> The presiding officer shall have at  
21 least two years judicial experience or experience in corrections,  
22 probation, or parole work. <sup>]</sup>

23 Sec. 33.16.020. NOMINATIONS. The governor shall seek nominations  
24 for board members from civic, professional, and ethnic organizations in  
25 the state and shall make appointments to the board with due regard for  
26 representation on the board of the sexual, ethnic, racial, and cultural  
27 populations of the state.

28 Sec. 33.16.030. SELECTION CRITERIA FOR BOARD MEMBERS. (a) The  
29 governor shall appoint board members on the basis of their qualifica-

*any moves [ ] no - agreed*

*OK  
D.M.  
C.M.*

1 tions to make decisions that are compatible with the welfare of the  
2 community and of individual offenders. The governor shall appoint  
3 board members who are able to consider the character and background of  
4 offenders and the circumstances under which offenses were committed.

5 (b) At least one person appointed to the board shall have ex-  
6 perience in the field of criminal justice, psychology, or human rela-  
7 tions.

8 (c) Officers or employees of the department may not be appointed  
9 to the board.

10 Sec. 33.16.040. REMOVAL OF MEMBERS. (a) The governor may remove  
11 a board member only for disability, nonfeasance, neglect of duty, mal-  
12 feasance in office, or conviction of a ~~felony~~ *CRIME INVOLVING MORAL TURPITUDE*

13 (b) Removal of a board member is initiated by delivering to the  
14 board member a written statement of the charges against the board  
15 member and by giving the board member an opportunity to be heard in  
16 person or through counsel at a public hearing in defense of the charges.  
17 The hearing shall be before the governor or his designee. The time  
18 fixed for the hearing may not be less than 10 days after the statement  
19 is delivered to the board member. At the hearing the board member has  
20 the right of confrontation and cross-examination of the witnesses who  
21 testify.

22 (c) The removal of a board member is effective 15 days after a  
23 statement of the charges made against the board member and the findings  
24 on those charges are filed by the governor in the main office of the  
25 board. However, the board member may appeal the findings of the gover-  
26 nor or his designee to the superior court. The court shall limit its  
27 review to a determination of whether the findings of the governor or  
28 his designee are substantiated by the evidence presented. The removal  
29 of the board member is suspended while an appeal from the findings of

1 the governor or his designee is pending.

2 Sec. 33.16.050. COMPENSATION AND EXPENSES. (a) A board member  
3 is entitled to compensation of \$100 per day for each day he is concerned  
4 with the business of the board and is also entitled to the per diem and  
5 travel allowances provided by law for other boards and commissions.

6 *Dieter* (b) The governor shall adjust the compensation in (a) of this  
7 section to compensate the board members for changes in the cost of  
8 living as reflected in the consumer price index for Anchorage, Alaska. *N.O.*

9 Sec. 33.16.060. MEETINGS OF THE BOARD. (a) The board may meet  
10 as often as it considers necessary to consider its responsibilities.  
11 The board shall meet no less than four times a year.

12 (b) Three members of the board constitute a quorum for the conduct  
13 of business.

14 (c) Decisions and orders of the board require the votes of a  
15 majority of the members present and in no case less than the votes of  
16 ~~two~~ members.

17 (d) Except in the consideration of matters involving the release  
18 of a prisoner on parole or parole revocation, the board may conduct a  
19 meeting over the telephone or by the use of teleconference facilities.

20 Sec. 33.16.070. PROCESS. The board or a member of the board may  
21 issue subpoenas and subpoenas duces tecum.

22 Sec. 33.16.080. RESPONSIBILITIES OF THE BOARD. (a) The board  
23 shall

24 (1) serve as the parole authority for the state;

25 (2) consider the suitability for parole of all prisoners  
26 serving sentences who are eligible for consideration for parole, unless  
27 a prisoner waives consideration of parole;

28 (3) discharge a person from parole when supervision is no  
29 longer required;

1 (4) maintain records of the meetings and proceedings of the  
2 board;

3 (5) adopt standards that shall apply fairly to all prisoners  
4 for determining when a prisoner should be considered for and receive  
5 parole;

6 (6) recommend to the legislature changes in the laws ad-  
7 ministered by the board;

8 (7) recommend to the commissioner changes in the practices of  
9 the department and of other departments of the executive branch;

10 (8) execute other responsibilities prescribed by law.

11 (b) The board shall adopt regulations under the Administrative  
12 Procedure Act (AS 44.62)

13 (1) establishing the standards, which shall apply fairly to  
14 all prisoners, under which the suitability of a prisoner for parole will  
15 be decided; and

16 (2) providing for the supervision of parolees and for recom-  
17 mitment of parolees;

18 (3) governing procedures of the board.

19 Sec. 33.16.090. EXECUTIVE DIRECTOR. The board shall hire an  
20 executive director who has training and experience in the field of  
21 probation and parole. The executive director shall serve as the execu-  
22 tive officer for the board in the accomplishment of its functions. He  
23 shall serve at the pleasure of the board. The executive director shall  
24 employ the staff of the board.

25 Sec. 33.16.100. ELIGIBILITY FOR DISCRETIONARY PAROLE. (a) A  
26 state prisoner other than a juvenile delinquent, wherever confined, who  
27 is serving a definite term of over 180 days or a term the minimum of  
28 which is at least 181 days and who is not imprisoned in accordance with  
29 AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2),

1 may, in the discretion of the board, be released on discretionary parole  
2 subject to AS 12.55.086(b), AS 33.16.110, and 33.16.120(b).

3 (b) A state prisoner imprisoned in accordance with AS 12.55.125(a)  
4 or (b) may not be released on discretionary parole until he has served  
5 at least the prescribed minimum term of imprisonment.

6 (c) A state prisoner imprisoned in accordance with AS 12.55.125(c)-  
7 (1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2), who is released  
8 under AS 33.20.030, shall be placed on mandatory parole for the period  
9 specified in the certificate of deduction, less 180 days, subject to  
10 written conditions imposed by the board.

11 Sec. 33.16.110. FIXING ELIGIBILITY FOR PAROLE AT TIME OF SEN-  
12 TENCING. When in its opinion justice and the best interests of the  
13 public require that a defendant be sentenced to imprisonment for a term  
14 exceeding one year, the court having jurisdiction to impose sentence,  
15 upon entering a judgment of conviction, may designate in the sentence of  
16 imprisonment a term at the expiration of which the prisoner is eligible  
17 for discretionary parole. The term shall be at least one-third of the  
18 period of confinement imposed by the court or the minimum term pre-  
19 scribed in AS 12.25.125, whichever is greater.

20 Sec. 33.16.120. GRANTING OF DISCRETIONARY PAROLE. (a) The board  
21 may authorize the release of a prisoner on discretionary parole if it  
22 determines that

23 (1) the prisoner eligible for discretionary parole will, in  
24 reasonable probability, live and remain at liberty without violating the  
25 laws or without violating the conditions imposed by the board; and

26 (2) his release on discretionary parole is not incompatible  
27 with the welfare of society and would not depreciate the seriousness of  
28 the crime.

29 (b) A prisoner may not be released on discretionary parole until

1 the prisoner has served at least one-third of the period of confinement  
2 to which he was sentenced or the minimum term prescribed in AS 12.55.-  
3 125, whichever is greater.

4 Sec. 33.16.130. SUITABILITY FOR DISCRETIONARY PAROLE. In deter-  
5 mining whether a prisoner is suitable for discretionary parole, the  
6 board shall consider

7 (1) the presentence report made to the sentencing court;

8 (2) the recommendations made by the sentencing court, by the  
9 prosecuting attorney, by the defense attorney, and any statement made  
10 by the prisoner at sentencing;

11 (3) the prisoner's history at the correctional facility to  
12 which he was assigned by the department;

13 (4) a recommendation made by an officer responsible for the  
14 correctional facility to which the prisoner was assigned;

15 (5) official reports of earlier crimes and earlier probation  
16 and parole experiences;

17 (6) physical, mental, and psychiatric examinations of the  
18 prisoner;

19 (7) information submitted by the prisoner, the attorney of  
20 the prisoner, a victim of the crime, or other persons; and

21 (8) other useful information that may be reasonably avail-  
22 able.

23 Sec. 33.16.140. LACK OF TREATMENT. The board may not deny parole  
24 to a prisoner otherwise suitable for parole solely on the ground that  
25 the prisoner did not obtain necessary or desirable treatment while  
26 confined if the treatment was not available to the prisoner at the  
27 correctional facility to which the prisoner was assigned by the depart-  
28 ment,

29 *UNLESS THERE IS AN INDICATION THAT THE PRISONER IS NOT SUITABLE FOR PAROLE.*  
Sec. 33.16.150. HEARING ON APPLICATION FOR DISCRETIONARY PAROLE.

1 (a) A prisoner has the right to a preliminary hearing before a single  
2 member of the board or a person authorized by the board to act as a  
3 hearing officer to determine the suitability of a prisoner for parole  
4 or for the setting, posting, or rescinding of parole dates. The  
5 prisoner shall be provided reasonable notice of the hearing. The  
6 preliminary hearing shall be electronically recorded. The recording of  
7 the preliminary hearing shall be reviewed by the full board within 60  
8 days of the preliminary hearing.

9 (b) The prisoner shall be permitted to have a copy of the pre-  
10 parole report and records that will be considered by the board no less  
11 than 10 days before the hearing. The prisoner has a right to enter  
12 written responses to all reports and records that will be considered by  
13 the board.

14 (c) The prisoner has a right to be present at the hearing, to  
15 present evidence on his behalf, and to cross-examine witnesses who  
16 testify against him.

17 (d) On review of the recording of the preliminary hearing or  
18 after a hearing by the full board, the board shall issue its decision  
19 in writing and provide reasons for the decision. The prisoner is  
20 entitled to a copy of the decision at the time it is issued.

21 Sec. 33.16.160. ORDER FOR PAROLE. The board shall furnish to  
22 each person released under its supervision an order for parole. The  
23 order for parole shall contain the conditions imposed by the board for  
24 parole and the date that the parole supervision expires. The order for  
25 parole does not take effect until it is accepted and signed by the  
26 parolee.

27 Sec. 33.16.170. CONDITIONS OF PAROLE. (a) The board shall re-  
28 quire that a prisoner released on parole refrain from violation of  
29 state or federal law as a condition of parole.

1 (b) Depending on the nature and circumstances of the crime for  
2 which the prisoner was convicted and the background of the prisoner, the  
3 board may require as a condition of parole under AS 33.16.160 that a  
4 parolee accept one or more of the conditions:

5 (1) that he meet his family obligations;

6 (2) that he apply himself to employment, education, training,  
7 or subsistence;

8 (3) that he remain within stated geographic limits unless  
9 granted written permission from his parole officer to depart from the  
10 stated limits;

11 (4) that he report on release to his parole officer;

12 (5) that he report at regular intervals to his parole  
13 officer;

14 (6) that he reside at a stated place and notify the parole  
15 officer of a change in his place of residence;

16 (7) that he have in his possession no dangerous, firearm or  
17 dangerous weapon unless granted permission in writing by the board;

18 (8) that he refrain from consuming alcoholic beverages;

19 (9) that he submit to searches and seizures conducted reason-  
20 ably by a parole officer or by a peace officer acting under direction  
21 of a parole officer;

22 (10) that he submit to necessary ~~medical~~ medical, psychiatric,  
23 alcohol, or other ~~examination or treatment~~ examination or treatment if available;

24 ~~DRUG~~ (11) that he refrain from entering into an agreement or other  
25 arrangement with a law enforcement agency that will place him in the  
26 position of violating a state or federal law or a condition of his  
27 parole;

28 (12) that he refrain from opening, maintaining, or using a  
29 checking account;

1 (13) that he refrain from entering into a contract, other  
2 than a prenuptial contract or a contract of marriage, without permis-  
3 sion in writing from his parole officer.

4 (14) that he refrain from operating a motor vehicle;

5 (15) that he refrain from entering a liquor store, bar, pub,  
6 tavern, or night club designated by the board.

7 (c) The board may by regulation adopt additional conditions that  
8 are consistent with (b) of this section.

9 Sec. 33.16.180. HEARING ON APPLICATION FOR CHANGE IN PAROLE CON-  
10 DITIONS. (a) A parolee is entitled to reasonable notice of and may  
11 request a hearing on a proposal to change a parole condition or to add  
12 new parole conditions. The board shall provide the parolee with the  
13 reasons for the proposal.

14 (b) The parolee shall be permitted to have a copy of the infor-  
15 mation and records that will be considered by the board no less than  
16 seven days before the hearing. The parolee has a right to enter written  
17 responses to the information and records that will be considered by the  
18 board.

19 (c) The parolee has the right to be present at the hearing, to  
20 present evidence on his behalf, to cross-examine witnesses who testify  
21 against him, and to remain silent.

22 (d) The board shall issue its decision in writing and provide  
23 reasons for the decision. The parolee is entitled to a copy of the  
24 decision on its issuance.

25 Sec. 33.16.190. WAIVER OF HEARING. A prisoner or parolee may  
26 waive a hearing provided under AS 33.16.150 or 33.16.180 by submitting  
27 a written waiver to the board.

28 Sec. 33.16.200. CONFIDENTIALITY OF RECORDS AND INFORMATION. The  
29 pre-parole reports submitted to the board are confidential and may not

1 be disclosed to anyone other than the board, the sentencing judge, the  
2 prosecuting and defense attorneys, the prisoner and the prisoner's  
3 attorney, or others granted the right under this chapter to receive the  
4 information.

5 Sec. 33.16.210 APPEALS. A prisoner or a parolee may appeal a  
6 decision or order of the board to the superior court on the ground of  
7 arbitrariness or abuse of discretion.

8 Sec. 33.16.220. DUTIES OF THE COMMISSIONER. The commissioner  
9 shall

10 (1) conduct investigations of prisoners eligible for parole  
11 as the board requests;

12 (2) supervise the conduct of parolees and institute programs  
13 for reform and rehabilitation of parolees as the board requests;

14 (3) appoint and assign parole officers and personnel to the  
15 judicial districts in the state and to train and supervise parole offi-  
16 cers and personnel;

17 (4) provide the board within 30 days after sentencing with  
18 information on sentenced prisoners;

19 (5) keep records, files and accounts as the board requests.

20 Sec. 33.16.230. ACCESS TO LAW BY PRISONERS. The commissioner  
21 shall make available at each correctional facility in the state and at  
22 each correctional facility outside the state at which a prisoner of the  
23 state is maintained a current edition of Alaska Statutes, of the Alaska  
24 Administrative Code, and of the Alaska Rules of Court. *AND PREREQ BOARD*  
*MANUAL.*

25 Sec. 33.16.240. PAROLE OFFICERS. The commissioner may assign the  
26 duties of probation officers under AS 33.05 to parole officers appointed  
27 under AS 33.16.220(3).

28 Sec. 33.16.250. DISCHARGE OF PAROLEE. (a) The board retains  
29 legal custody of a discretionary parolee until the expiration of the

1 maximum term or terms to which the parolee is sentenced less 180 days.  
2 The board retains legal custody of a mandatory parolee released in  
3 accordance with AS 33.16.100(c) and AS 33.20.040 until the expiration of  
4 the maximum term or terms to which the prisoner was sentenced less 180  
5 days.

6 (b) The disability imposed by AS 33.30.320 applies to a parolee  
7 as long as he is in the legal custody of the board but the disability  
8 does not deny a parolee access to the courts to protect rights he may  
9 have.

10 \* (c) A parolee who has been on parole for five years and who has  
11 not absconded or been charged with a felony since entering parole shall  
12 be discharged from parole and from the custody of the board. A parolee  
13 who is charged with a felony within the five years remains in the  
14 custody of the board pending a final decision on the charge. If the  
15 parolee is acquitted or the charge is dismissed, the board shall dis-  
16 charge the parolee from custody.

17 Sec. 33.16.260. DISCRETIONARY DISCHARGE OF PAROLEE. The board may  
18 discharge a parolee from supervision and the custody of the board and  
19 from further liability under his sentence after the parolee has com-  
20 pleted 20 months of parole.

21 Sec. 33.16.270. RELEASE OF PRISONER TO ANSWER PROSECUTIONS. If a court  
22 of this state, another state, or the United States, or other authority  
23 issues a warrant charging a prisoner with a crime, the board may release  
24 the prisoner on parole to answer the warrant. ?

25 Sec. 33.16.280. REVOCATION OF PAROLE. (a) The board may revoke  
26 the parole granted to a parolee for violation of a state or federal law  
27 or a condition imposed by the board under AS 33.16.170(b).

28 (b) A parolee has the right to a preliminary hearing before a  
29 single member of the board or a person authorized by the board to act

1 as a hearing officer to determine whether probable cause exists to  
2 revoke parole. The preliminary hearing shall be held within 14 days of  
3 the arrest of the parolee on the charge of violation of a state or  
4 federal law or violation of a condition of parole. The single member  
5 of the board or the hearing officer who holds the hearing may release  
6 the parolee pending the hearing under (c) of this section.

7 (c) The parolee is entitled to a hearing before the board at the  
8 first meeting of the board held after the preliminary hearing held  
9 under (b) of this section. The parolee has the rights of a parolee  
10 under AS 33.16.150 and 33.16.180 at the hearing. The board shall issue  
11 its decision in writing and provide reasons for the decision. The  
12 parolee is entitled to a copy of the decision on its issuance.

13 (d) At a hearing under this section, the commissioner has the  
14 burden to show that parole should be revoked by clear and convincing  
15 evidence.

16 (e) If after the hearing the board determines that a violation of  
17 a condition of parole has occurred, it may revoke a portion of the  
18 parole granted or change the conditions of parole. If the board does  
19 not revoke a portion of the parole granted, the parolee shall be re-  
20 leased from confinement and continued on parole under terms and condi-  
21 tions established by the board.

22 (f) If after the hearing the board determines that a parolee has  
23 violated a state or federal law, the board may require the parolee to  
24 serve all or a part of the remainder of the term to which he was sen-  
25 tenced.

26 (g) If the board revokes parole for a reason other than a viola-  
27 tion of a state or federal law, the board may not return the parolee to  
28 confinement for a period in excess of six months.

29 (h) A parolee may waive a hearing under (b) or (c) of this section

1 by submitting a written waiver to the board.

2 Sec. 33.16.290. ARREST OF PAROLE VIOLATOR. (a) A parolee charged  
3 with violation of a condition of his parole may be arrested only on a  
4 warrant for arrest issued by a judicial officer based on probable cause  
5 to believe that a violation of the condition of parole has occurred.

6 (b) A parolee may be arrested without a warrant for his arrest  
7 for a violation of a condition of parole only under exigent conditions  
8 which require immediate arrest.

9 Sec. 33.16.300. EXECUTION OF WARRANT FOR ARREST OF PAROLEE. (a)  
10 A parole officer or a peace officer acting at the request of a parole  
11 officer shall execute the warrant issued under AS 33.16.290 by arrest-  
12 ing the parolee and confining the parolee in a correctional facility  
13 designated by the commissioner.

14 (b) The parole officer shall immediately notify the board or a  
15 member of the board of an arrest under (a) of this section. If the  
16 arrest was without warrant, the parole officer shall immediately provide  
17 the board or a member of the board with a report in writing indicating  
18 in what manner the parolee violated a condition of his parole.

19 Sec. 33.16.310. APPLICABILITY TO PERSONS ON PAROLE OR INCAR-  
20 CERATED. (a) This chapter applies to all persons convicted and sen-  
21 tenced in the superior court and the district courts of the state.

22 (b) If the appropriate officers of the United States agree, the  
23 legislature intends that this chapter also apply to persons convicted  
24 before Alaska statehood of a crime punishable under the laws of a state  
25 notwithstanding the fact that the prosecution may have been brought by  
26 the United States and the prisoners were convicted and sentenced in  
27 courts of the United States before Alaska became a state or before the  
28 Alaska state court system was in operation.

29 Sec. 33.16.320. DEFINITIONS. In this chapter

1 (1) "board" means the Board of Parole;

2 (2) "commissioner" means the commissioner of health and  
3 social services;

4 (3) "department" means the Department of Health and Social  
5 Services;

6 (4) "discretionary parole" means the release of a prisoner  
7 to the community by the board before the expiration of his term or  
8 terms, subject to conditions imposed by the board and subject to its  
9 supervision;

10 (5) "mandatory parole" means the release of a prisoner to  
11 the community by operation of law before the expiration of his term or  
12 terms, subject to conditions imposed by the board and subject to its  
13 supervision;

14 (6) "parolee" means a prisoner released to the community by  
15 the board or by operation of law.

16 \* Sec. 2. AS 33.20.040(a) is amended to read:

17 \* (a) A prisoner serving the term or terms for which he was sen-  
18 tenced less good time deductions shall be released unconditionally if  
19 there remains less than 180 days to serve under his sentence. If there  
20 remains more than 180 days to serve under his sentence a prisoner  
21 shall be released on parole under AS 33.16.100(c) [, UPON RELEASE,  
22 SHALL BE CONSIDERED AS IF RELEASED ON PAROLE UNTIL THE EXPIRATION OF  
23 THE MAXIMUM TERM OR TERMS FOR WHICH HE WAS SENTENCED LESS 180 DAYS].

24 \* Sec. 3. AS 44.66.010(a)(3) is amended to read:

25 (3) [STATE] Board of Parole (AS 33.16.010) [(AS 33.15.-  
26 010)] -- June 30, 1986 [1982];

27 \* Sec. 4. AS 33.15 is repealed.

28 \* Sec. 5. AS 33.16 enacted in sec. 1 of this Act applies to persons on  
29 parole or being considered for parole on the effective date of this Act.

1 \* Sec. 6. The terms of the members of the Board of Parole appointed  
2 under AS 33.15.010 terminate on the effective date of this Act. The governor  
3 shall appoint members to the Board of Parole established under AS 33.16.010  
4 enacted in this Act for the following initial terms: one member for a five-  
5 year term; one member for a four-year term; one member for a three-year  
6 term; one member for a two-year term; and one member for a one-year term.

7 \* Sec. 7. This Act takes effect June 29, 1982.

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PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT

# New Hope Baptist Church

333 North Price  
Anchorage, Alaska 99504

*Doctor William B. Lyons, Pastor*  
272-9315-277-9222

March 12, 1982

Honorable Mike Beirne  
Chairman, House Health, Education  
and Social Services Committee  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Beirne:

There are a number of primary issues your committee needs to address in choosing between the two basic approaches to parole in Alaska as set forth in HB 225 and HB 293. Some of them are:

1. Are you concerned about increasing the chances of convicted felons not committing new crimes after they are released from jail?
2. Are you concerned about decision-makers taking into consideration certain factors present after sentencing significantly increasing a person's chances of success in the community, thereby supporting the constitutional mandates of reformation of the offender and protection of the public?
3. Are you willing to adopt a system of releasing prisoners back into the community that has shown to statistically produce a higher recidivism rate (HB 293) than discretionary parole does (HB 225)?
4. Is it more important that a prisoner know his release date from jail the date he is sentenced or that he be told this information in the first 6 months of incarceration and he be required to complete certain programs that will lower his risk in the community when he is released?
5. Are you concerned that persons convicted of similar crimes and having similar backgrounds serve a similar amount of time if they are sent to jail, irrespective of who the sentencing judge was, the city in which the

- 2
- prisoner was sentenced, or which institution the prisoner is assigned to?
6. Are you concerned that decisions regarding the release of prisoners after sentencing be consistent?
  7. Are you concerned that most sentenced prisoners be told early in their sentences when they can expect to be released and what their conditions of release will be?
  8. Are you concerned that non-governmental citizen with different backgrounds including minority members having a role in the criminal justice system in determining who and when prisoners will be released from jail back to the community?
  9. Are you concerned about keeping down the costs of operating our corrections system by allowing the somewhat early release of those prisoners who are a demonstrated low risk to commit new crimes in the community?
  10. Are you concerned about establishing a public policy that would presume all felony offenders would be sentenced to a year or more of jail, when preliminary data shows judges more frequently increase sentences rather than decrease them when sentencing under the new criminal code?

National research and Alaska data shows that prisoners released by discretionary parole do significantly better than those released at sentence expiration minus good time (mandatory release), even when you control for differing risk of the two groups. If risk is allowed to be considered (as it is at current parole board hearings) parolees do even better. This data is based upon review of many studies by the criminal justice researchers at the National Council on Crime and Delinquency. Furthermore, the new felony conviction rate of Alaska parolees is about half the national average.

Risk is considered by the Alaska Parole Board now as it is required by AS 33.15.080. However, most of the risk factors utilized by the Board in its guidelines refer to "what the prisoner did" such as prior felony convictions, prior misdemeanor convictions, juvenile probation record, juvenile institutional record, adult probation/parole record, alcohol abuse/drug abuse record. Specific numerical scores are assigned to each factor so the guidelines are applied precisely and consistently to each parole applicant. It has been said we are notoriously poor predictor's of the future behavior of our fellow human beings. If we define our terms specifically, we find this statement is not necessarily correct. In compiling parole guidelines research our parolees fell into 4 distinct risk categories. Only 16% of the parolees in the best risk category had any problems (even minor violations) while on parole while over 57% of the parolees in the worst category had problems. This 41% difference certainly is significant. Realize a prisoner's risk is not cast in concrete - it is simply a numerical tool in helping to set a reasonable prison term. Similar risk profiles are utilized throughout

the country as a tool in the same manner psychological tests help us understand some things about human behavior. Furthermore, the Division of Adult Corrections will soon begin using a slightly modified version of the Parole Board's guidelines risk scale in making furlough decisions. The Division feels risk is an appropriate factor to consider when placing prisoners in the community. Besides the factors known at sentencing, other factors become known to correctional authorities later on that significantly increase or decrease a prisoner's chances of success or failure on parole such as:

- a) Institutional behavior.
- b) Involvement in some institutional programs or programing after release.
- c) Certain aspects of a prisoner's release plan have been statistically significant.

In order to insure the lowest possible offender recidivism and the protection of the public, these and similar factors would be considered by the Board. Even if the Legislature should decide as a policy matter that it does not wish to have risk used as a factor, the Parole Board is in an excellent position to apply its guidelines fairly and equitably to all prisoners using its numerical tables, considering only those "prior behavior" items. Prisoners would serve very similar time for basically similar crimes and backgrounds. Under current law, offenders committing similar crimes with similar backgrounds sometimes receive widely divergent sentences because a number of factors:

- 1. Individual personalities and philosophies of the prosecutor, defense attorney and judge.
- 2. The bargaining of prior felony convictions(s), bargaining of whether to charge the use of a handgun during the commission of the crime, the bargaining of which charges of multiple count indictments to dismiss, and the bargaining of mitigating and aggravating factors.
- 3. Pressure of the local community on the judge and prosecutor.

Since all parole decisions are made by the same five peoples, utilizing the same policies, procedures and guidelines, consistency is maintained throughout the state. This consistency is documented by parole guidelines research and would be difficult if not almost impossible to duplicate in any other forum not involving a team of persons making all of the decisions statewide. As you know from the guidelines research data, the Board has delt equitable with prisoners of different racial and ethnic backgrounds. Certainly in sentencing is a laudable goal of the criminal justice system. Many prisoners can sit down now and complete their own parole guidelines risk score i know with a 90% certainty when they will be released on parole. The Parole Board members have had a goal for almost three

years the receipt of funding so they could see offenders in the first four to six months of their sentences so most of the parole applicants could be advised of their release dates at that time rather than waiting to see the Board until they were eligible for parole release. The parole guidelines introduced a high degree of certainty into the system that could be improved upon by supplemental funding allowing the Board to see parole applicants earlier in their sentences. The parole guidelines not only establish certainty into the system, but they introduce statewide consistency into the decision-making process. The Board is the only component of the system likely to maintain this consistent certainty. Although gameplaying is certainly present in all segments of the criminal justice system it is less likely to be a primary factor when a prisoner would have to con two staff and a majority of the five Board members. The experience of the current Board members and staff in handling well over 8,000 hearings probably has been a factor in the Board's very low recidivision rate.

Parole release can help deal with the overcrowding of institutions if given the proper tools and if properly administered (see Michigan law). Competent research shows most prisoners can be released from jail before they earn all of their good time, at little risk to the community and at a substantial savings. This fact alone would support the retention of the Parole Board. The Board granted parole to 165 prisoners in the last two years - you can expect a major impact on Corrections if you decide to abolish discretionary parole.

The Parole Board members are not regular state employees that are required to follow the wishes of a particular administrator or appointee. They come from various communities around the state and their concern is with their constituents. Research shows they can do an excellent job of releasing those prisoners not likely to commit new crimes and still help reduce prison populations.

Parole in Alaska is working well--given small additional funding, its certainty could be increased so most offenders would know their release dates shortly after sentencing. The sunset audit report shows the Board has overcome the problems identified in the 1979 report. Give the Board a chance to work. The Board members and staff have spent a significant amount of time working on legislation over the last four years. We would hope the issue of continuation of a parole board could be resolved this spring without just another one year continuation so we can get on with the business of improving our operation if we are to remain in existence.