

2233

HHESS

HB 117

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HB 128

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- b. The effect would begin near the end of the first year the law is in effect as the average time served for a Class C felony is .8 years.
- c. 60% of the persons convicted of a Class B felony actually serve time.

Therefore, the impact on the state correctional system will be the need for approximately 14 additional beds. (22 convictions x 60% receiving jail sentences x 1.08 additional years = 14.2 beds.) The cost of the beds is estimated to be: 14 x \$146,000 (medium security bed cost) = \$2,044,000.

It is assumed these beds would be added to those identified in other fiscal notes. Also, because of construction time, they would not be available for occupancy until FY 1986. Personnel Service costs are not identified until that time.

In estimating personal services costs, it is assumed 1 staff person will be required for every 2.5 inmates. Fourteen beds would require 5.6 positions. An average FY 1984 position cost of \$44,000 (plus inflation) was used to project personal services costs. The final staffing of a correctional facility cannot be determined until it has been designed, and the staffing would be influenced by such factors as total bed capacity, floor plan for security, and programs to be provided as a part of rehabilitation.



BUSINESS
276-7279
24-HR. CRISIS
276-RAPE

CHILD PORNOGRAPHY

Q. What is the history behind the development of child pornography?

A. Throughout history children were exploited, sold and even killed. Sex between male adults and children had been sanctioned, or at the very least, tolerated as seen in institutions of slavery, prostitution and pornography. In the late 19th and early 20th centuries, western society was obsessed with the image of the pure, innocent, sexless little girl. The Arts were used to make the sexual use of children more acceptable. Florence Rush, noted author of a book on child sexual abuse, believes the frequent use of child sexuality by nineteenth-century authors contributed to the real use, abuse and sexual manipulations of children.

Q. What is the situation today? Certainly we have protection from the exploitation of children.

A. Today we expect the adult world to protect the young from sexual exploitation. Meanwhile, this society normalizes and accepts the exploitation of women in all forms of media. The last few years have brought much needed attention to the growing problem of child pornography, and fairly quick action has been taken by legislatures in our country. It is easier for us to become outraged by what is happening to young children than by what happens to grown women. We forget that young girls grow up to be women. About the time they reach the age of consent, what protection there is stops and the legalized exploitation starts again.

Q. What exactly is happening in the child pornography industry? What do they do with these kids?

A. Until recently, much of child porn sold in America was smuggled from abroad, but now most of it originates here.

Robin Lloyd, reporter and author of *For Money or Love*, a book on boy prostitution, collected 264 different child-porn magazines, each costing an

average of seven dollars. *Where the Young Ones Are*, a sex guide for pedophiliacs (pedophilia: sexual perversion in which children are the preferred sexual object), contains a listing of 378 places in fifty-nine cities where the young (sexual partners) can be found, and has sold over 70,000 copies. Also, publications advertise films entitled "Infant Love," "Children and Sex," "Little Girls," etc., in which one can see spread shots of children from 6 to 13 as they perform oral sex.

With little difficulty one can obtain *Lollitots*, which introduced Patti, "the most erotic ten-year-old you'll ever meet," or *Little Girls*, which offers pictures of ten and twelve-year-olds in intercourse with adult males. For \$45 one can purchase a film in living color and see a nine-year-old in a variety of sex acts with two Arab boys, then with an adult.

Yes, child pornography is very big business. According to researchers and reporters, child models are not difficult to recruit. Many magazine publishers and film producers use their own children; others advertise to parents.

In the book "Take Back the Night - Women on Pornography" we are told, "A recent advertisement in *Al Goldstein's* magazine *Screw* offered \$200 for young girl-child models. It brought dozens of responses from parents with female children.

A writer who followed up the ad reports: "Some parents appeared in the movie with their children; others merely allowed their children to have sex. One little girl, age 11, who ran crying from the bedroom after being told to have sex with a man of 40 protested, 'I can't do it.' 'You have to do it,' her parent answered. 'We need the money.' And, of course the little girl did."

Q. Exactly, how big is child pornography and why don't we know more about it?

A. The kiddy-porn industry is extremely clandestine - secretive, illegitimate and sly. Most statistics therefore are a loose approximation. In the opinion of Florence Rush, former social worker and author of a book on child sexual abuse, *The Best Kept Secret* - the numbers I quote here "represent only the tip of the iceberg."

FACT: Of the \$2.5 billion porn industry, about \$1 billion is from kiddy porn.

FACT: In 1975, Houston police uncovered a warehouse filled with child pornography, and among the collection were 15,000 color slides of children, 1,000 magazines, and thousands of reels of film.

FACT: At Crossroads Store in New York City, a group of investigators found, among the usual displays of *Lollitots*, *Moppets*, and other kiddy porn magazines, nineteen films on kiddy porn, and an additional sixteen on incest alone.

FACT: One and half million children under sixteen are used annually in commercial sex (prostitution or pornography).

FACT: Most runaways can survive only as prostitutes or by posing for pornography. Each year there are one million runaways, children whose ages range from eight through eighteen.

FACT: Covenant House in New York City shelters 5,000 runaways each year. Over 2,000 are involved in pornography and prostitution, and of this number, 1,000 are under 12.

FACT: Los Angeles police have estimated that 30,000 children are sexually exploited in Los Angeles alone every year.

(Taken from Section II "Child Pornography" of *PORNOGRAPHY; MEDIA VIOLENCE TOWARD WOMEN AND CHILDREN - An Education Packet* - Developed/compiled by Jean Felicia Craciun, Director of Education Service.)

Letter From The Editor

ANTI-PORNOGRAPHY AS A MOVEMENT

Diane E.H. Russell, Associate Professor of Social Science at Mills College, and a founding member of Women Against Violence in Pornography and Media, expresses a short-circuiting process that has plagued the issue of pornography. She states "In the case of pornography many people, including feminists, don't allow themselves to contemplate — is pornography a problem? Why does this problem exist? They simply say, 'I'm against censorship of any kind!' And the meaning of the First Amendment becomes the topic of discussion. In this way the freedom of speech issue has been used, not always consciously, to freeze us into saying and doing nothing against pornography." She addresses the need to end the short-circuiting in our thinking and feeling.

There are four, distinct and important steps in dealing with any social problem:

First, we need to recognize it, define it, see it.

The second step involves *feeling about the problem* once it is recognized. To simply acknowledge rape, woman-battering, child pornography, and not feel outraged is one kind of unhealthy short-circuiting that goes on.

Third, we need to try to understand the *cause of the problem*, to analyze it, before we collectively take action.

And, finally, there is the question of *what to do about it*.

In the case of pornography, in skipping the first three steps and starting at step four the issue of the pros and cons of censorship or banning comes up, and this is only one of many, many questions.

The anti-pornography movement now realizes that obscenity laws and government control of the pornography industry is not the way to go. Pornography cannot flourish on a mass-marketed, industrial scale without two basic conditions: A culture which crushes human eroticism into the distorted and abusive framework of dominance and submission, creating a demand for pornography rather than erotica ("erotica" is rooted in eros or passionate love, and thus in the idea of positive choice, free will, the yearning for a particular person, from "Erotica and Pornography" article in MS., Nov., 1978 by Gloria Steinem); and free-enterprise capitalism, which will sell anything — even pain — for a profit.

Twentieth century capitalism supplies the means of mass production: efficient media technology, enormous profits for producers, and the freedom to market anything. And in enterprising capitalist nations, the law often follows the profits. Largely free of technological or legal constraints, mass-market pornography has now hit its stride. At \$7 billion a year, pornography is not merely a thriving industry, it is an utterly predictable product of free-market capitalism in a technologically advanced sexist society.

What it boils down to is the fact that media affects the way men and women view themselves and each other. *Individually* then we decide if we agree with the images and messages that the media and pornography convey to us. If we don't like what we see, the media violence toward women and children, then we need to understand the established cultural and sexual attitudes that have allowed this to flourish and change them *together!*

The Anchorage Crime Commission — Chamber of Commerce subcommittee on Child Abuse is researching among other things statutes on Commercial Sale to personal consumption of pornography.
[Paula M. Haley, Exec. Dir. of S.T.A.R. and Angela M. Rinaldo, past Exec. Dir. are serving on this committee.]



Pornography and the First Amendment

"Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

—First Amendment of the United States Constitution

Q. How does the First Amendment affect pornography?

A. Under this amendment, all speech (whether written or oral) is protected from governmental restriction unless proven to be one of the few categories of unprotected speech. Two types of unprotected speech relate to pornography: first, obscenity and second, child pornography.

There is no objective legal test for obscenity. Basically material is obscene if the average person, applying community standards, would find that such material as a whole appeals to prurient, i.e., lustful interests and lacks serious artistic, political or scientific value. There must be a court hearing first to determine if the material is obscene. If the court finds the material to be obscene, it will be removed from the stores and theaters. Just because one issue of a magazine is proven to be obscene does not mean that future issues of the magazine cannot be sold. Every new magazine issue, book or movie requires a separate court determination of obscenity.

In 1982, the United States Supreme Court added a new category of unprotected speech — child pornography, i.e., material that visually depicts sexual conduct by children. The legal procedure would be similar to the obscenity cases. The material cannot be forcibly removed from stores and theaters until it is proven.

Because of the importance of the First Amendment freedoms to our society, there can be no prior censorship by the government of anyone's speech. While the First Amendment legal procedure to remove pornography appears cumbersome because it must be repeated for every new pornographic item, the First Amendment also serves as a shield to the anti-pornography movement to protect its right to organize politically and to protest pornography.

—Mary Southard
Legal Advocate

CHILD SEX RINGS

The Anchorage media has recently grabbed on a theme known only to a few: child and adolescent sex rings. In separate accounts we have heard about attempts to extradite an alleged sex ring organizer from Florida to Anchorage; a Boys Club executive was charged with sexual abuse of minors; and a 19-year-old male charged with larceny claims in his defense that abuse in a prostitution and pornography ring contributed to his delinquent lifestyle. The police officer in charge of these investigations informed the press that only the "tip of the iceberg" has been exposed.

Research is beginning to shed some light on the dynamics of child sex rings. Among the information recently yielded are the following themes:

- 1) Runaways and kids with vulnerable lifestyles are especially susceptible.
- 2) Rings involve male victims approximately 3 to 1 over females.
- 3) Ann Burgess (the researcher who first defined the Rape Trauma Syndrome) has facilitated much recent research and has characterized three different types of sex rings. Two types involve primarily pre-pubescent children, the third and most sophisticated type involves those from puberty through age 18 or 19.
- 4) Many subtle (and a few not so subtle) methods are used to get victims involved and to force them to maintain secrecy about the rings.
- 5) The reporting of male victims (at all age levels) of sexual assault is increasing nationwide.
- 6) Ann Burgess suggests that these male children may be at an equal risk with females for sexual victimization.

Some features of the situations reported in Anchorage raise perplexing questions. In particular, it is noteworthy that disclosures of this victimization are not coming through the typical reporting channels. Instead, most disclosures are coming from a few adolescents already identified or in the custody of juvenile justice authorities. Others have come to light through police investigations resulting from the disclosures of other adolescents. The following are some tough questions that the Anchorage community should be asking itself:

- 1) Are we asking the right questions in

looking at the lifestyles of "kids in trouble?"

- 2) Are we looking for sexual abuse in the right places?
- 3) What are the barriers keeping boys from talking about sexual victimization and human service systems from being receptive to hearing it?
- 4) What are we doing to give permission to adolescents to talk about this kind of victimization?
- 5) What have we been doing in the socialization of our male children which keeps them (and us) blind to the risk of their sexual victimization?

—Ralph Brower
Male Education Project Director

JANUARY'S Volunteer of the Month

January's volunteer of the month, Linda Ambrosia, is a familiar face at all volunteer meetings. Linda has been an active S.T.A.R. volunteer for the last 3 years. She consistently takes a high number of hotline hours per month and she is always available to pinch hit for us. Linda is also eligible to be an advocate.

Linda said, "I chose to volunteer for S.T.A.R. because it is a big problem in Alaska. I've been doing crisis work off and on since 1968. I originally joined to work in prevention and when I saw the needs of the victim — I chose to work with hotline. I would like to see this become a past problem!"

She also always manages to make the long trek from her home in Eagle River to S.T.A.R. for meetings. Linda works as a substitute teacher. She's married and has one daughter.

Congratulations Linda!!!

—Deb Wilson-Neagle
Volunteer Coordinator

SEXUAL ASSAULT

1982 STATISTICS

The Direct Services unit of S.T.A.R. will be spending time this month compiling S.T.A.R.'s 1982 statistics on sexual assault. The final results will be in your next newsletter and should be interesting.

Special Contributors

Thanks to the following person for her generous donation to S.T.A.R.

Robin Ridder



HOLIDAY THANKS

The entire S.T.A.R. staff would like to thank each of the volunteers who took hotline shifts on Christmas and New Year's. Thanks to you we had 100% volunteer phone coverage. The following volunteers took Christmas and New Year's shifts:

DIANNE TOEBE SUSAN SACALOFF
MARTY KENNEDY JUDY PEACOCK
MARY RUSH DAWN RASMUSSEN

JEANNETTE MORIN

PAM CRAWFORD

We'd also like to thank all of the volunteers who took hotline during the busy month of December. We realize that people have a lot of social engagements during the holidays, and again we had 100% volunteer phone coverage. Thanks!!

—Deb Wilson-Neagle
Volunteer Coordinator

Any members interested in information on legislation concerning sexual assault, please call the S.T.A.R. office.

* 276-7279 *

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S.T.A.R. MEMBERSHIP FORM

_____ Yes, I want to stand with S.T.A.R. against Rape. Enclosed are my tax deductible annual membership dues.

_____ No, I do not wish to become a member of S.T.A.R. at this time, but please add my name to your mailing list.

_____ \$5.00 _____ \$10.00 _____ \$25.00 _____ \$50.00 _____ \$200.00
Limited Income Individual Friend of S.T.A.R. Agency Corporation

Name _____ Date _____

Mailing Address _____

_____ Signature _____

_____ Please check here if you would like a receipt.

REMEMBER: SEXUAL ASSAULT IS A PROBLEM TO TALK ABOUT.

S.T.A.R., Inc.
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**THIS IS YOUR LAST NEWSLETTER!
MEMBERSHIPS EXPIRED JAN. 1,
1983. . . . PLEASE RENEW YOUR
MEMBERSHIP NOW!!!**

3/24/83

TO HESS COMMITTEE

C SHB 117 - SEXUAL ABUSE OF A
MINOR IS ON THE CALENDAR
FOR TOMORROW'S MEETING. IT MAY
BE WITHDRAWN - PENDING DISCUSSION
BETWEEN THE SPONSOR AND THE DEPT.
OF LAW

BUT NO ONE KNOWS FOR
SURE YET.

DAVE PALMER
x 3777

	dept of Law	Rep. Goll	HB 117
Sexual abuse 1st degree	<ol style="list-style-type: none"> 1. Penetration w/ person under 13 and 3 yrs younger 2. Being 18 yrs or older, penetration w/ person under 18 & in care <p>Class A felony</p>	<ol style="list-style-type: none"> 1. penetration w/ person 13 yrs. and 3 yrs younger 2. Being 18 yrs or older, penetration w/ minor under 18 and in care <p>Class A felony</p>	<ol style="list-style-type: none"> 1. Sexual contact w/ person under 13. 2. inducing person under 16 to engage in sexual activities in 11.41.455 a 2-6 Class B felony
Sexual abuse 2nd degree	<ol style="list-style-type: none"> 1. penetration w/ person 13,14,15,16 and 3 yrs. younger 2. Sexual contact w/ person under 13 and 3 yrs. younger 3. Being 18 yrs or older, sexual contact w/ person under 18 and in care 4. Inducing a person 16 yrs or younger conduct in 11.41.455 (a) 2-6. Class B Felony 	<ol style="list-style-type: none"> 1. Sexual contact w/ person under 13 and 3 yrs younger 2. penetration w/ person 13,14,15 and 3 yrs younger 3. being 18 yrs. or older, penetration w/ person under 18 yrs and in care Class B felony 	<ol style="list-style-type: none"> 1. Being 16 yrs or older penetration w/ person under 16 but over 13 Class C felony
Sexual abuse 3rd degree	<ol style="list-style-type: none"> 1. Sexual contact w/person 13,14,15,16 and 3 yrs younger. Class C felony 		
Sexual assault 2nd degree	Class b felony		
Indecent exposure			

AS11.41.455 DOCUMENT= 1 OF 1 PAGE = 1 OF 2

CHAPTER = 11.41
SECTION = 11.41.455
TITLE = 11

HEARINGS TITLE 11.
CRIMINAL LAW.
CHAPTER 41.
OFFENSES AGAINST THE PERSON.
ARTICLE 4.
SEXUAL OFFENSES.

CITATION SEC. 11.41.455.

CATCH LINE

UNLAWFUL EXPLOITATION OF A MINOR.

TEXT

(A) A PERSON COMMITS THE CRIME OF UNLAWFUL EXPLOITATION OF A MINOR IF, IN THIS STATE AND WITH THE INTENT OF PRODUCING FOR ANY COMMERCIAL PURPOSE A LIVE PERFORMANCE, FILM, PHOTOGRAPH, NEGATIVE, SLIDE, BOOK, NEWSPAPER, OR MAGAZINE THAT DEPICTS SUCH CONDUCT, HE KNOWINGLY INDUCES OR EMPLOYS A CHILD UNDER 16 YEARS OF AGE TO ENGAGE IN, OR PHOTOGRAPHS, FILMS, OR TELEVISES A CHILD UNDER 16 YEARS OF AGE ENGAGED IN

(1) SEXUAL PENETRATION;

AS11.41.455 DOCUMENT= 1 OF 1 PAGE = 2 OF 2

(2) THE OBSCENE TOUCHING OF ANOTHER PERSON'S GENITALS, ANUS, OR FEMALE BREAST;

(3) THE OBSCENE TOUCHING BY ANOTHER PERSON OF THE CHILD'S GENITALS, ANUS, OR FEMALE BREAST,

(4) MASTURBATION;

(5) BESTIALITY, OR

(6) THE OBSCENE EXHIBITION OF THE CHILD'S GENITALS.

(B) UNLAWFUL EXPLOITATION OF A MINOR IS A CLASS B FELONY.

HISTORY (SEC. 3 CH 166 SLA 1978)

RO601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

<u>CRIME</u>	LAW	117	DRAFT
Pen-13-15	C	C	B
Pen- under 13	C	B	A
Contact - 13-15	<u>NOT COVERED</u> Contib to D.O.M. MISDEMEANOR	<u>NOT COVERED</u> MISDEMEANOR	C
Contact under 13	C	B	B
Exploitation -	C	B	B
Contact under 18 in custody over 16	<u>NOT COVERED</u> 18 MISDEMEANOR	not covered	B
13-16	MISDEMEANOR	MISDEMEANOR	B
under 13	C	C	B
Penetration over 16	18 not covered	not covered	A
13-16	C MISDEMEANOR MISDEMEANOR	C	A
under 13	C		A

MARCH 14, 1983

MEMORANDUM

TO: COMMITTEE ON HEALTH EDUCATION AND SOCIAL SERVICES
ALASKA HOUSE OF REPRESENTATIVES
FROM: PETER GOLL
SUBJECT: HB 117

1 SEXUAL ABUSE OF MINORS SUBJECT TO CUSTODIAL RELATIONSHIP

Currently, sexual abuse of a minor in one's legal custody (step-child, etc.) is not covered by statute unless that minor is under 16 (Class A misdemeanor) or under 13 (Class C felony). A minor between 16 and 18, in the custody of an adult is not protected from sexual contact by the guardian unless there is a close blood relationship (incest).

This is a problem in Alaska, especially for the retarded or socially backward child who finds himself in a no-escape situation under the legal control of an adult.

The matter is omitted from HB117. It is addressed on page one (line 20) of the Dept. of Law's draft, and on page two (line 11) of that draft. Wording is inserted in HB117 draft committee substitute, attached.

On the recommendation of the Department, penetration of a minor in custody is changed from an unclassified felony to a Class A felony.

2 CRIMES COMMITTED BY MINORS AGAINST YOUNG CHILDREN NOT ADDRESSED

In HB 117, a person must be 16 years of age or older to be guilty of a violation. Nowhere is the six year old child protected from abuse by a 15 year old baby sitter or his or her friends. Nor is the 6 year old child protected from penetration by one under 16.

To remedy this, one could apply the language found on line 18 of page one of the Department of Law's draft (ie. "at least three years younger"). This would make a crime to commit sexual abuse of a minor three years younger than the offender.

It will also respond to problems of making felons of consenting adolescents.

3. THE DIVISION OF LEGAL SERVICES FINDS INEQUITIES IN SENTENCING
IN HB 117

The wording of HB 117 groups sexual penetration of a minor under 13 with sexual contact of a minor under 13. Contact with one under 13 is therefore considered more serious (B felony) than penetration of a minor under 16 (C felony). The Department of Law version separates these offences, making penetration of a minor under 13 a class A felony, and contact with a minor under 13 a B felony as in HB117. The attached draft substitute corrects this problem per recommendation of Department of Law.

Palmer

Dept of Law
3/25/83

COMMENTARY AND SECTIONAL ANALYSIS
FOR THE PROPOSED 1983 AMENDMENTS TO ALASKA'S LAWS
RELATING TO SEXUAL ASSAULT AND SEXUAL ABUSE OF A MINOR

Section 1. AS 11.41.410, Sexual Assault in the First Degree.

This section repeals subsections (a)(3) and (4) of the Sexual Assault in the First Degree statute. These subsections are reclassified in section 3, below, as Sexual Abuse of a Minor in the First Degree.

Section 2. AS 11.41.420, Sexual Assault in the Second Degree.

This section accomplishes two things. It amends the current Sexual Assault in the Second Degree statute to define the crime as "sexual contact with another person without consent of that person." The amended language is consistent with that used in the Sexual Assault in the First Degree statute, which prohibits sexual penetration without consent. Under the current Sexual Assault in the Second Degree law the prosecutor must prove that the victim was "coerced" to submit to the sexual contact by the express or implied threat of imminent death, imminent physical injury, or imminent kidnapping. Technically, the defendant's use of force without any threats may not be sufficient to establish this crime; felony charges have been lost through a literal application of these terms.

The second change which this section makes is to raise the current class C felony offense of Sexual Assault in

the Third Degree, penetration with a person who is suffering from a mental defect or is incapacitated, to Sexual Assault in the Second Degree, a class B felony punishable by up to ten years in prison.

Section 3. AS 11.41.430, Sexual Abuse of a Minor In the First Degree.

This section creates a new classification of offense, Sexual Abuse of a Minor in the First Degree. This new crime prohibits sexual penetration with a person who is under the age of 13 and at least three years younger than the actor. It also prohibits sexual penetration with a person under 18 who is entrusted to the actor's care by authority of law or because the person is his son or daughter, including adopted, illegitimate or stepchildren. Basically, this provision covers conduct which is currently classified as Sexual Assault in the First Degree, but the language here adds the requirement of a three year age span between the actor and the victim. This requirement is added to ensure that a child who engages in sexual play with another child of the same age level could not be charged with a felony. Such behavior may in certain circumstances be cause for parental concern, but it is not considered appropriate or useful to classify it as a crime. Forceful sexual

penetration of any person, including a child, would continue to be punishable as Sexual Assault in the First Degree, an unclassified felony.

These amendments address a serious omission in the present sexual assault laws by deleting the requirement that the actor be 16 years of age or older. The section is thus made applicable to juvenile offenders. This is an important consideration, as some studies of adult sexual offenders indicate that the offenders began to sexually assault in their early teen years. Early identification and treatment of juvenile sexual offenders may ultimately decrease the number of adult offenders. Sexual Abuse of a Minor in the First Degree is a class A felony offense. It carries a maximum sentence of up to 20 years in prison, and a presumptive term of five years upon conviction for a first offense.

Section 4. AS 11.41.435, Sexual Abuse of a Minor in the Second Degree.

This section creates a new classification of crime, Sexual Abuse of a Minor in the Second Degree. This includes the offenses found in the current Sexual Abuse of a Minor statute (AS 11.41.440), with the addition of the requirement that the actor be at least three years older than the victim. This language exempts teenagers who have consensual sexual relations with other teens near their own age (a 17 year old boy and his 15 year old girlfriend, for example) from prosecution for a felony. As in Section 3, above, the amendment deletes the requirement that the actor be 16 years of age or older, thus

making the statute applicable to juvenile offenders who assault children much younger than themselves--the babysitter/toddler situation, for example.

Subsection 3 creates a new offense to address an omission in the current law. Under current law sexual contact by a parent or guardian with his own child is prohibited only if the child is under 13 (a class C felony) or under 16 (a class A misdemeanor). Since fondling of a child's genitals or breasts by a parent is a serious violation of the trust and authority relationships within a family, and is often the precursor of more serious sexual conduct, this provision raises the age of children covered to 17, and makes this conduct a class B felony offense punishable by up to ten years in prison.

Section 5. AS 11.41.440, Sexual Abuse of a Minor in the Third Degree.

This section creates a new classification of offense entitled Sexual Abuse of a Minor in the Third Degree. Basically, this is the current Contributing to the Delinquency of a Minor statute raised from its current classification as an A misdemeanor to a class C felony offense. Class C felonies are punishable by up to five years in prison.

Section 6. AS 11.51.130(a)(4), Contributing to the Delinquency of a Minor.

Section 6 repeals the "sexual contact" subsection of the present Contributing to the Delinquency of a Minor statute. The seriousness of this conduct has been increased in Section 5, above, to Sexual Abuse of a Minor in the Third Degree, a class C felony.

Section 7. AS 11.41.460, Indecent Exposure.

This section creates a new crime entitled Indecent Exposure, which is the intentional exposure of a person's genitals, buttock, anus or female breast to another person with reckless disregard for the offensive, insulting or frightening effect that the exposure that might have on the other person. Under current law this conduct is considered "Disorderly Conduct", a class B misdemeanor offense with a maximum penalty of ten days in jail. Some recent studies indicate that exposure is sometimes the first step^{to} sex offenders who later increase the seriousness of their conduct to sexual contact or penetration. The current law treats this behavior much too leniently. This section raises the classification of Indecent Exposure to an A misdemeanor level if the object of the exposure is a child under the age of 16. The offense

remains a B misdemeanor if the witness to the exposure is an adult.

Section 8. AS 11.61.110(a)(7), Disorderly Conduct.

Section 8 repeals the current "exposure" subsection of the Disorderly Conduct statute. This conduct is included in the Indecent Exposure provisions set out in section 7.

Section 9. AS 12.10.020, Specific Time Limitation.

This section creates an exception to the general five year statute of limitations (AS 12.10.010) to allow prosecution for a sexual offense against a child to be commenced within one year after the child reaches the age of 16, or reports the crime to a law enforcement officer, whichever occurs first. The period of limitation cannot be extended by more than ten years, however. This change is necessary because sexual offenses against young children (especially intrafamilial abuse) are frequently not discovered until the child reaches sufficient maturity to realize the wrongfulness of the conduct and to identify those adults to whom the conduct may safely be reported. A child of 12, 13 or 14 will often report for the first time sexual abuse which has been occurring since he or she was 4 or 5 years old. While the most recent assaults may be prosecuted, these offenses may be classified as less serious

than the earlier ones, because of the child's older age. In those situations where the sexual abuse has been a continuing course of conduct which spans several years of a child's life the trier of fact should be entitled to reach and consider all aspects of the adult's conduct.

1 IN THE _____

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 _____ BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the laws relating to sexual assault
7 and sexual abuse of a minor."

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

9 * Section 1. AS 11.41.410(a)(3) and (4) are repealed.

10 * Sec. 2. AS 11.41.420 is repealed and reenacted to read:

11 Sec. AS 11.41.420. SEXUAL ASSAULT IN THE SECOND DEGREE. (a) A
12 person commits the crime of sexual assault in the second degree if he
13 engages in

14 (1) sexual contact with another person without consent of
15 that person; or

16 (2) sexual penetration with a person who he knows

17 (A) is suffering from a mental disorder or defect
18 which renders him incapable of appraising the nature of the
19 conduct under circumstances in which a person who is capable of
20 appraising the nature of the conduct would not engage in sexual
21 penetration; or

22 (B) is incapacitated.

23 (b) Sexual assault in the second degree is a class B felony.

24 * Sec. 3. AS 11.41.430 is repealed and reenacted to read:

25 Sec. AS 11.41.430. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

26 (a) A person commits the crime of sexual abuse of a minor in the
27 first degree if

28 (1) he engages in sexual penetration with a person who is
29 under 13 years of age and at least three years younger than ^{he} or ^{the offender}

1 aids, induces, causes or encourages a person who is under 13 years of
2 age and at least three years younger than ^{the offender} he to engage in sexual
3 penetration with another person; or

4 (2) being 18 years of age or older, ^{that person} he engages in sexual
5 penetration with a person who is under 18 years of age and who

6 (A) is entrusted to ^{that person's} his care by authority of law; or

7 (B) is ^{that person's} his son or daughter, including adopted, ille-
8 gitimate, or stepchildren.

9 (b) Sexual abuse of a minor in the first degree is a class A
10 felony.

11 * Sec. 4. AS 11.41 is amended by adding a new section to read:

12 Sec. 11.41.435. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

13 (a) A person commits the crime of sexual abuse of a minor in the
14 second degree if

15 (1) ^{that person} he engages in sexual penetration with a person who is
16 aged 13, 14, 15 or 16, and at least three years younger than ^{the offender} he, or
17 aids, induces, causes or encourages a person who is aged 13, 14, 15 or
18 16, and at least three years younger than ^{the offender} he to engage in sexual
19 penetration with another person,

20 (2) ^{that person} he engages in sexual contact with a person who is under
21 13 years of age and at least three years younger than ^{the offender} he, or aids,
22 induces, causes or encourages a person under 13 years of age and at
23 least three years younger than ^{the offender} he to engage in sexual contact with
24 another person;

25 (3) being 18 years of age or older, ^{that person} he engages in sexual
26 contact with a person who is under 18 years of age and who

27 (A) is entrusted to ^{that person's} his care by authority of law; or

28 (B) is ^{that person's} his son or daughter, including adopted, ille-
29 gitimate, or stepchildren; or

1
2 (4) ^{the per.} he aids, induces, causes or encourages a person who is
3 16 years of age or younger to engage in conduct described in
4 AS 11.41.455(a)(2) -- (6).

5 (b) Sexual abuse of a minor in the second degree is a class B
6 felony.

7 * Sec. 5. AS 11.41.440 is repealed and reenacted to read:

8 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.

9 (a) A person commits sexual abuse of a minor in the third degree if
10 ^{that person} he engages in sexual contact with a person who is aged 13, 14, 15 or
11 16, and at least three years younger than ^{the offender} he.

12 (b) Sexual abuse of a minor in the third degree is a class C
13 felony.

14 * Sec. 6. AS 11.51.130(a)(4) is repealed.

15 * Sec. 7. AS 11.41 is amended by adding a new section to read:

16 Sec. 11.41.460. INDECENT EXPOSURE, (a) A person commits the
17 crime of indecent exposure if ^{that person} he intentionally exposes ^{that person's} his genitals,
18 buttock, anus or female breast to another with reckless disregard for
19 the offensive, insulting or frightening effect the act may have on
20 that person.

21 (b) Indecent exposure is a class A misdemeanor if the person
22 before whom the exposure is made is under 16 years of age; otherwise
23 it is a class B misdemeanor.

24 * Sec. 8. AS 11.61.110(a)(7) is repealed.

25 * Sec. 9. AS 12.10.020 is amended to add a new subsection to read:

26 (c) Even if the general time limitation has expired, a prosecu-
27 tion under AS 11.41.410 -- 455 for an offense committed against a
28 person under the age of 18 may be commenced within one year after the
29 crime is reported to a law enforcement official or the person reaches

1 the age of 16, whichever occurs first. In no case shall this provi-
2 sion extend the period of limitation by more than ten years.
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Alaska State Legislature

District 11
3305 Oregon Drive
Anchorage, Alaska 99503



While In Juneau
Pouch V
Juneau, Alaska
(907) 465-3759

Representative Mae Tischer

May 3, 1983

Jill Bottrell, Member
Fairbanks Inter-Agency Child
Sexual Abuse Task Force
c/o Fairbanks Community Mental Health
209 40 Mile Avenue
Fairbanks, Alaska 99701

Dear Ms. Bottrell:

Thank you for your extensive comments on
CSHB 117.

The House Health, Education and Social
Services Committee passed the original
HB 117 out of committee at the request of
the bill's sponsor.

If House Bill 117 passes both houses it
will become law.

Presently the bill is in the House Judiciary
Committee and I will forward your comments
to Chairman Bussell for the Committee's
consideration.

Thank you again for your comments.

Sincerely,

Mae Tischer
Representative Mae Tischer
District 11

MEMBER: Rules
MT/cw CO-CHAIR: Health, Education & Social Services
VICE-CHAIR: Community & Regional Affairs
FINANCE SUBCOMMITTEES: Health & Social Services • Rural Education Budget Oversight • Corred

The Honorable Mae Tischer
The Honorable Milo Fritz
Co-Chairpersons, House Health,
Education, & Social Services
Committee
State Capitol, Pouch V
Juneau, Alaska 99811

21 April 1983

AP 14

Dear Representatives Tischer and Fritz:

This letter is written in support of CS for House Bill No. 117 (HESS) on behalf of the Fairbanks Inter-Agency Child Sexual Abuse Task Force.

The Task Force is composed of representatives from nearly every agency in this community with any responsibility for dealing with the problem of sexual abuse of our children, including the Fairbanks police department, Alaska State Troopers, Division of Family & Youth Services, WIC-CA, District Attorney's office, Attorney General's office, Family Focus, Community Mental Health, Resource Center for Parents and Children, Tanana Chiefs, and various other community groups who participate on an ad hoc basis. The goal of the Task Force is to promote co-operation and co-ordination among the various agencies who become involved with families where sexual abuse may be occurring. We have been functioning for nearly two years and have seen tremendous changes in the way these cases are handled by the various member agencies.

After reviewing a variety of legislation proposed this session on the subject of sexual abuse of children, the Task Force would like to voice its support for this bill, suggesting only the addition of another group of people to which it should apply. Our collective experience shows that children are often abused by members of their household who are not technically legal custodians or step-parents, but who have assumed the same parenting or caretaking role and who are, therefore, in a position of natural authority over the child.

If the intent of Secs. 11.41.435(a)(2) and 11.41.440(a)(3) is to cover conduct by those persons who abuse this position of trust and authority, then it should not be limited to those with legal authority only. From the child's perspective, it is irrelevant whether the abuser is legally married to the mother or not.

These sections properly cover the situation where the caretaker can substitute this natural authority for the use of force, and the legislation appropriately addresses the seriousness of such abuse. The Task Force proposes, however, that an additional subsection be added to the above sections to include any "caretaker or adult household member in a position of authority or control over the child."

This recommendation is in accordance with the guidelines proposed by the National Legal Resource Center for Child Advocacy and Protection of the

American Bar Association, as set out in their recent publication, "Recommendations for Improving Legal Intervention in Intrafamily Child Sexual Abuse Cases," October, 1982. (It should be pointed out that this position paper has not been voted on by the Board of Governors and thus does not constitute an official policy statement of the ABA)

The proposed provision specifically limits the offender to an adult person in a caretaker position in the home. Older siblings or adult relatives not residing in the home are covered under different statutes. It does, however, address the large category of live-in boyfriends or other caretakers who are in a position to exercise and exploit the same type of parental authority which this legislation already addresses.

Although it is not directly related to this piece of legislation, the Task Force members would also like to take this opportunity to voice concern about the application of the present Statute of Limitations to child sexual abuse cases, and suggest that it be changed so that the State is not legally barred from prosecuting a case just because the offense is more than five years past.

Given that a prominent feature of in-family abuse is that it may not be disclosed for a long period of time, there will be many, many cases where the victim does not even tell anyone until more than five years has passed. Children are legally disabled in so many ways because of their immaturity and inexperience; it would make sense not to impose upon them the legal obligation to report sexual abuse until they are of an age when they can reasonably be expected to report.

The Task Force supports a statutory provision that would toll the Statute of Limitations until the child is of legal age, or some other agreed-upon "age of responsibility" such as 16. Of course, many cases would be, as a practical matter, too stale to prosecute, but the legal bar should not be there, where it is unreasonable to expect reporting. Many of the member agencies would be able to document a significant number of instances where disclosure of abuse came more than five years later, but where the offender was still known to the victim, possibly still in a position to commit other offenses, and where the victim's memory is quite clear.

Thank you for your consideration of the above matters, particularly as it relates to the proposed amendment.

Sincerely,



Jill Bottrell
Member, Fairbanks Inter-Agency Child
Sexual Abuse Task Force
c/o Fairbanks Community Mental Health
209 40 Mile Avenue
Fairbanks, Alaska 99701

AS11.41.440 DOCUMENT= 1 OF 1 PAGE = 1 OF 2
CHAPTER = 11.41
SECTION = 11.41.440
TITLE = 11

HB117

HEADINGS TITLE 11.
Criminal Law.
CHAPTER 41.
Offenses Against the Person.
ARTICLE 4.
Sexual Offenses.

CITATION Sec. 11.41.440.

CATCH LINE

SEXUAL ABUSE OF A MINOR.

TEXT

(a) A person commits the crime of sexual abuse of a minor if, being 16 years of age or older, he
(1) engages in sexual penetration with a person who is under 16 years of age but 13 years of age or older or aids, induces, causes or encourages a person under 16 years of age but 13 years of age or older to engage in sexual penetration with another person;
(2) engages in sexual contact with a person who is

AS11.41.440 DOCUMENT= 1 OF 1 PAGE = 2 OF 2
under 13 years of age or aids, induces, causes or encourages a person under 13 years of age to engage in sexual contact with another person; or
(3) aids, induces, causes or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.455(a)(2) - (6).
(b) Sexual abuse of a minor is a class C felony.

STORY (Sec. 3 ch 166 SLA 1978; am sec. 9 ch 102 SLA 1980)

FOI * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

SECTION = 12.55.125
TITLE = 12

HB127

HEADINGS TITLE 12.
Code of Criminal Procedure.
CHAPTER 55.
Sentencing and Probation.

CITATION Sec. 12.55.125.

CATCH LINE

SENTENCES OF IMPRISONMENT FOR FELONIES.

TEXT

(a) A defendant convicted of murder in the first degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years. LIMITED EFFECTIVE DATE

(b) -EFFECTIVE UNTIL JANUARY 1, 1983- A defendant convicted of murder in the second degree or kidnapping shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years.

POSTPONED EFFECTIVE DATE

-EFFECTIVE JANUARY 1, 1983- A defendant convicted of murder in the second degree, kidnapping, or misconduct involving a

..copy d

E1001 ENTER COMMAND IN CORRECT FORMAT OR RETURN TO CONTINUE

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 2 OF 5
controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years.

(c) A defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, five years;

(2) if the offense is a first felony conviction, other than for manslaughter, and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, seven years;

(3) if the offense is a second felony conviction, 10 years;

(4) if the offense is a third felony conviction, 15 years.

(d) A defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of not more than 10

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 3 OF 5
years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a second felony conviction, four years;

(2) if the offense is a third felony conviction, six years.

(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a second felony conviction, two years;

years.

(f) If a defendant is sentenced under (a) or (b) of this section,

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

(2) imposition of sentence may not be suspended under

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 4 OF 5

AS 12.55.085;

(3) imprisonment for the prescribed minimum term may not be otherwise reduced.

(g) If a defendant is sentenced under (c), (d)(1), (d)(2), (e)(1), (e)(2), or (i) of this section, except to the extent permitted under AS 12.55.155 12.55.175,

(1) imprisonment may not be suspended under AS 12.55.080;

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

(3) terms of imprisonment may not be otherwise reduced.

(h) Nothing in this section or AS 12.55.135 limits the discretion of the sentencing judge except as specifically provided.

(i) A defendant convicted of sexual assault in the first degree may be sentenced to a definite term of imprisonment of not more than 30 years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 5 OF 5

does not involve circumstances described in (2) of this subsection, eight years;

(2) if the offense is a first felony conviction, and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 10 years;

(3) if the offense is a second felony conviction, 15 years;

(4) if the offense is a third felony conviction, 25 years.

HISTORY (Sec. 12 ch 166 SLA 1978; am sec. 18 ch 45 SLA 1982; am secs. 28-30 ch 143 SLA 1982)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

SELECT - QUERY
00003 ALL SECTION EQ 11.66.110

AS11.66.110 DOCUMENT= 1 OF 1

HB 128

CHAPTER = 11.66
SECTION = 11.66.110
TITLE = 11

HEADINGS TITLE 11.
CRIMINAL LAW.
CHAPTER 66.
OFFENSES AGAINST PUBLIC HEALTH AND DECENCY.
ARTICLE 1.
PROSTITUTION AND RELATED OFFENSES.

CITATION SEC. 11.66.110.

CATCH LINE

PROMOTING PROSTITUTION IN THE FIRST DEGREE.

TEXT (A) A PERSON COMMITS THE CRIME OF PROMOTING PROSTITUTION IN THE FIRST DEGREE IF HE

(1) INDUCES OR CAUSES A PERSON TO ENGAGE IN PROSTITUTION THROUGH THE USE OF FORCE;

(2) AS OTHER THAN A PATRON OF A PROSTITUTE, INDUCES OR CAUSES A PERSON UNDER 16 YEARS OF AGE TO ENGAGE IN PROSTITUTION; OR

(3) INDUCES OR CAUSES A PERSON IN HIS LEGAL CUSTODY TO ENGAGE IN PROSTITUTION.

(B) IN A PROSECUTION UNDER (A)(2) OF THIS SECTION, IT IS NOT A DEFENSE THAT THE DEFENDANT REASONABLY BELIEVED THAT THE PERSON HE INDUCED OR CAUSED TO ENGAGE IN PROSTITUTION WAS 16 YEARS OF AGE OR OLDER.

(C) PROMOTING PROSTITUTION IN THE FIRST DEGREE IS A CLASS B FELONY.

HISTORY (SEC. 8 CH 166 SLA 1978)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

P.O. BOX 809

JUNEAU, ALASKA 99802

586-3650

POSITION PAPER

HB117: An Act relating to sexual abuse of a minor

The Alaska Network on Domestic Violence and Sexual Assault is a non-profit corporation composed of twenty-one programs statewide that provide domestic violence, sexual assault, and adult crisis intervention services to members of their respective communities. Network programs are funded in part through grants and contracts awarded by the Council on Domestic Violence and Sexual Assault.

The Network was established in 1978, and has as one of its primary focuses the elimination of domestic violence and sexual assault through provision of shelter, advocacy, and education/prevention services.

The Network maintains that, in cases involving sexual abuse of a minor, sexual contact and penetration are equally serious offenses that should be incorporated in the same felony classification.

The Network would strongly support a comprehensive overview of current statutes governing the prosecution, sentencing, and treatment of persons charged and convicted of sexual abuse of a minor.

OCTOBER 1, 1982

Handwritten signature

FIRST FELONY CONVICTION SECOND FELONY CONVICTION THIRD FELONY CONVICTION

MURDER I	[20] -- 99	[20] -- 99	[20] -- 99
MUR. II & KIDNAP. & M. I. C. S. I	[5] -- 99	[5] -- 99	[5] -- 99
SEXUAL ASSAULT 1st **	5 -- (10) -- 30 HB127 (12)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
SEXUAL ASSAULT 1st	4 -- (8) -- 30 HB127 (10)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
A FELONY **	3 1/2 -- (7) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
A FELONY HB128 ↑	2 1/2 -- (5) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
B FELONY	0 -- 10	0 -- (4) -- 10	3 -- (6) -- 10
C FELONY HB117 ↑	0 -- 5	0 -- (2) -- 5	0 -- (3) -- 5

**APPLIES WHEN A DEFENDANT POSSESSED A FIREARM, USED A DANGEROUS WEAPON OR CAUSED SERIOUS PHYSICAL INJURY EXCEPT FOR MANSLAUGHTER.
 NUMBERS IN (BRACKETS ARE) PRESUMPTIVE SENTENCES. NUMBERS ENCLOSED BY BOXES ARE MANDATORY MINIMUM SENTENCES.
 NUMBERS TO LEFT OF BRACKETS ARE LOWEST MITIGATED SENTENCES. NUMBERS TO RIGHT ARE HIGHEST AGGRAVATED SENTS.

HB 117

Current statute: Sexual abuse of a minor under 16 years of age is a class C felony

Proposed by HB 117

1) Sexual abuse of a minor under 13 years of age is an offense in the first degree and is a class B felony

2) Sexual abuse of a minor aged 13 to 16 is ~~remains~~ is sexual abuse in the second degree and is a class C felony.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT.

Bill No: HB 117 Date on Bill: 1/26/83
 Title: An Act Relating to sexual abuse of a minor
 Sponsor: Representative Pestinger
 Requestor: House HESS

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conner Phone: 465-4338
 Division: Administrative Services Date: 2/28/83

Approved by Commissioner: [Signature] Date: 2/28/83
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

MARCH 14, 1983

MEMORANDUM

TO: COMMITTEE ON HEALTH EDUCATION AND SOCIAL SERVICES
ALASKA HOUSE OF REPRESENTATIVES
FROM: PETER GOLL
SUBJECT: HB 117

1 SEXUAL ABUSE OF MINORS SUBJECT TO CUSTODIAL RELATIONSHIP

Currently, sexual abuse of a minor in one's legal custody (step-child, etc.) is not covered by statute unless that minor is under 16 (Class A misdemeanor) or under 13 (Class C felony). A minor between 16 and 18, in the custody of an adult is not protected from sexual contact by the guardian unless there is a close blood relationship (incest).

This is a problem in Alaska, especially for the retarded or socially backward child who finds himself in a no-escape situation under the legal control of an adult.

The matter is omitted from HB117. It is addressed on page one (line 20) of the Dept. of Law's draft, and on page two (line 11) of that draft. Wording is inserted in HB117 draft committee substitute, attached.

On the recommendation of the Department, penetration of a minor in custody is changed from an unclassified felony to a Class A felony.

2 CRIMES COMMITTED BY MINORS AGAINST YOUNG CHILDREN NOT ADDRESSED

In HB 117, a person must be 16 years of age or older to be guilty of a violation. Nowhere is the six year old child protected from abuse by a 15 year old baby sitter or his or her friends. Nor is the 6 year old child protected from penetration by one under 16.

To remedy this, one could apply the language found on line 18 of page one of the Department of Law's draft (ie. "at least three years younger"). This would make it a crime to commit sexual abuse of a minor three years younger than the offender.

It will also respond to problems of making felons of consenting adolescents.

3. THE DIVISION OF LEGAL SERVICES FINDS INEQUITIES IN SENTENCING
IN HB 117

The wording of HB 117 groups sexual penetration of a minor under 13 with sexual contact of a minor under 13. Contact with one under 13 is therefore considered more serious (B felony) than penetration of a minor under 16 (C felony). The Department of Law version separates these offences, making penetration of a minor under 13 a class A felony, and contact with a minor under 13 a B felony as in HB117. The attached draft substitute corrects this problem per recommendation of Department of Law.

H B

125

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

1/26/83

Date: March 9 1983

Mr. Speaker:

The Committee on HESS has had HB 125

An Act relating to 'emergency closure days' in response to a threat to the health or safety of students.

under consideration and reports it back as follows:

- do pass 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 Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

M. W. Miller

WILSON

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]
CHAIRMAN
WILSON

Introduced: 1/26/83
Referred: Health, Education &
Social Services and Finance

Voted Do pass

1 IN THE HOUSE

BY LARSON

2

HOUSE BILL NO. 125

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to 'emergency closure days' in

7

response to a threat to the health or safety of

8

students."

9

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

10

* Section 1. AS 14.03.030 is amended to read:

11

Sec. 14.03.030. SCHOOL TERM. The school term begins and ends on

12

the dates fixed by the governing body of the school district. How-

13

ever, the term shall include not less than 180 days in session, except

14

that, subject to the approval of the commissioner [.]

15

(1) a day used for in-service training of teachers may be substituted for a day in session, up to a maximum of 10 days; and

16

17

(2) an "emergency closure day" may be substituted for a day in session because of conditions posing a threat to the health or safety of students.

18

19

*Should consider an emergency (icy roads, 100 mi to winds)
of more consequence & reason for substituting than
in-service teacher training to substitute*

Bob Greene - define emergency - ^{practical knowledge} enough time to prepare -
(insufficient knowledge)
not enough time to prepare for
closure.

i.e. - frozen pipes during school recess
icy roads

Don Mac Kennon - school administrators

Bob Mancoske - NEA.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB - 125
Title An Act relating to 'emergency closure days'...
Requested by House HESS Date 2/22/83

II. FISCAL DETAIL

Agency Affected Education
Program Category Affected Elementary and Secondary Education
BRU, Program, Or Subprogram(s) Affected K-12 Foundation Support
(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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						
OPERATING						
CAPITAL						

POSITIONS N/A

FULL TIME						
PART TIME						
TEMPORARY						

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

THIS FISCAL NOTE IS PRESENTLY BEING REVIEWED BY THE OFFICE OF MANAGEMENT AND BUDGET.

This bill has no fiscal impact.

IV. DATE 2/22/83 PREPARED BY Steve Hole
AGENCY Education
Original: Legislative Finance PHONE 465-2865
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Not Cole - Head
Business
Administration
& Schools in
general

HB 125
HB 196
900,000

Acc.

- ① Busing Contract — 500,000
- ② Teacher Contract - Salary per day — 500,000
- ③ ^{non-certificated staff} Non-Teachers - Ser Aides etc Average — 500,000

1st day since 1975 - arrangement w/ teachers - granted another
in service day.

definition of "emergency"

- Act of God days - Superior could petition Com
for 1 of 3 days - REAA'S
- 3 day luxury - average suitable for state
- Goll - more this bill ask unan. consent.
- Obj. by Tischer
- Mat-Su uses full 10 - in service days.
- Stew-Hale - Dept: Bond Support Bill.
21 yrs. ago - ~~Committee~~ AS said regulation repealed -
didn't have statutory authority.
- Argue against limit of 3 days. DOE could define
in regs.
- Bob Green - Support of Bill - differentiate inadequate inadequate
time to prepare.

SCHOOL CLOSURE DAYS

Having been an active teacher in Alaska for the past 23½ years, I have personally seen many days when schools have remained opened simply to meet the mandate of "student in session days", when it was clearly obvious that in doing so, the health and safety of many individual students were being compromised.

The superintendent of school districts needs to be able, at least on a limited basis, to provide school closure days, when in their opinion the health and safety of students may be jeopardized by requiring student attendance. (Example: days with extreme weather conditions, breakdown of school heating system, loss of electrical power, possible bomb threats, or other unforeseen threats to health and safety conditions).

I might note that as a classroom teacher, I found that classroom procedures and general learning experiences are best retained by using normal procedures for missed work, instead of trying to make up missed work by holding school on Saturdays or extending school days on the end of the regular school year.

A personal example I might cite is: during one such day last year, I know of five automobile accidents involving students trying to get to school under extreme icy road conditions. School was held all that day with only 15-20% of the students present, and therefore, no regular classroom type instruction took place. The only purpose or value in holding school that day was to satisfy a requirement under State law. I might also add that the Matanuska-Susitna Borough is also being sued at this time over a bus accident that took place on a day when road conditions were extremely icy.

From: Rep Larson

Summary: Hb 125 by Larson

"An Act relating to 'emergency closure days' in response to a threat to the health or safety of students."

Section 1 AS 14.03.030- Public Schools Generally, School Term

This section is amended by adding a new subsection providing for "(2) an 'emergency closure day' may be substituted for a day in session because of conditions posing a threat to the health or safety of students."

Substitution of an emergency closure day would be subject to the approval of the Commissioner of Education, and the proposed new law does not specify a maximum allowable number of days.

The law currently requires that the school term in Alaska include at least 180 days in session, except that subject to approval of the Commissioner, up to 10 days of in-service teacher training may be substituted for required school days.

This legislation does not provide for an effective date, therefore, the bill would be effective 90 days after the Governor's signature.

folder content

left

summary
statutes
fiscal note DOE = 0
fiscal note HSS = 0

right

bill
back-up from Rep. Larson

Disc w/B Greene. Ref his suggested language

Do they have to make it up - if not its like blowing a day's pay - paid holiday.

current - advance notice & you shut school down - add it on the end of the year.

Mat-Su - Don't want to start before Labor Day & get out

Contact Inu School District =

① Contract w/transport (buses) # annually? = 5,000
- ave. daily costs

② BG will get aver. teacher salary = figure
cost to school dist on daily bases? _____

Introduced: 1/26/83
Referred: Health, Education &
Social Services and Finance

dist.

*Fiscal note to State
however - local school dist expense.*

1 IN THE HOUSE

BY LARSON

2
3
4
5

HOUSE BILL NO. 125

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

6 For an Act entitled: "An Act relating to 'emergency closure days' in
7 response to a threat to the health or safety of
8 students."

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

10 * Section 1. AS 14.03.030 is amended to read:

11 Sec. 14.03.030. SCHOOL TERM. The school term begins and ends on
12 the dates fixed by the governing body of the school district. How-
13 ever, the term shall include not less than 180 days in session, except
14 that, subject to the approval of the commissioner [,]

15 (1) a day used for in-service training of teachers may be
16 substituted for a day in session, up to a maximum of 10 days; and

17 (2) an "emergency closure day" may be substituted for a day
18 in session because of conditions posing a threat to the health or
19 safety of students.

INSET:

...providing, however, that such conditions that pose a threat to the health or safety of students commenced or occurred after school has commenced for the day.

RATIONALE: The rationale has been forwarded that the district, once having started the day with kids in classes, would have double expenses; expenses for the day just started and expenses for the make up day and yet the state will reimburse only for one day.

In reality there is no significant expense to a district if school is shut down prior to busses moving and kids coming to the school.

Bob Greene
Statewide Average Teachers Salary
mu

Don S. Duane

Introduced: 1/26/83
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY LARSON

2

HOUSE BILL NO. 125

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to 'emergency closure days' in
7 response to a threat to the health or safety of
8 students."

8

9

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

10

* Section 1. AS 14.03.030 is amended to read:

11

Sec. 14.03.030. SCHOOL TERM. The school term begins and ends on
12 the dates fixed by the governing body of the school district. How-
13 ever, the term shall include not less than 180 days in session, except
14 that, subject to the approval of the commissioner [,]

15

(1) a day used for in-service training of teachers may be
16 substituted for a day in session, up to a maximum of 10 days; and

16

17

(2) an "emergency closure day" may be substituted for a day
18 in session because of conditions posing a threat to the health or
19 safety of students.

19

*Public Health - registered position paper
DOE ✓*

Chapter 03. Public Schools Generally.

Section

- 10. Establishment of school system
- 20. School year
- 30. School term
- 40. Day in session
- 50. School holidays
- 60. Elementary, junior high, and secondary schools
- 70. School age
- 80. Free education

Section

- 83. Contracting for services
- 90. Sectarian or denominational doctrines prohibited
- 190. Use of school facilities
- 110. Questionnaires and surveys administered in public schools
- 130. Display of flag
- 140. Emergency drills

Collateral references. — 68 Am. Jur. 2d Schools § 1 et seq.

78 C.J.S. Schools and School Districts, §§ 1, 2, 12 et seq.

Equivalence of educational facilities extended by public school system to members of white and members of colored race. 103 ALR 713.

Residence for purpose of admission to public school. 83 ALR2d 497.

Modern status of doctrine of sovereign immunity as applied to public schools and institutions of higher learning. 33 ALR3d 703.

Noncustodial parent's rights as respects education of child. 36 ALR3d 1093.

Tort liability of public schools and institutions of higher learning for educational malpractice. 1 ALR4th 1139.

Sec. 14.03.010. Establishment of school system. There is established in the state a system of public schools to be administered and maintained as provided in this title. (§ 1 ch 98 SLA 1966)

NOTES TO DECISIONS

This title was enacted pursuant to Alaska Const., art. VII, § 1. *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op. No. 1154 (File No. 2157), 536 P.2d 793 (1975).

History of public education in Alaska. — See *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op.

No. 1154 (File No. 2157), 536 P.2d 793 (1975).

Collateral references. — Incorporated educational body as an institution belonging to the state. 65 ALR 139.

What is common or public school within contemplation of constitutional or statutory provisions. 113 ALR 697.

Sec. 14.03.020. School year. The school year begins on the first day of July and ends on the 30th day of June. (§ 1 ch 98 SLA 1966)

Sec. 14.03.030. School term. The school term begins and ends on the dates fixed by the governing body of the school district. However, the term shall include not less than 180 days in session, except that, subject to the approval of the commissioner, a day used for in-service training of teachers may be substituted for a day in session, up to a maximum of 10 days. (§ 1 ch 98 SLA 1966; am § 1 ch 65 SLA 1972; am § 1 ch 137 SLA 1976; am § 1 ch 24 SLA 1979)

Effect of amendments. — The 1979 amendment deleted the former third sentence providing for approval of school schedules for a school term of less than 180 days in session.

Sec. 14.03.040. Day in session. Each day within the school term is a day in session except Saturdays, Sundays, and days designated as holidays by or according to AS 14.03.050. A school board may approve Saturdays as a day in session. The day in session in every school shall be at least four hours long, exclusive of intermissions, for the first, second, and third grades and five hours, exclusive of intermissions, for all other grades. The commissioner may approve a shorter day in session for any grade. The period of the day in session shall be devoted to the instruction of pupils or to study periods for the pupils. (§ 1 ch 98 SLA 1966; am § 2 ch 137 SLA 1976)

Sec. 14.03.050. School holidays. (a) Public schools shall not be in session on school holidays which are Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Christmas Day, New Years Day, Memorial Day, and the Fourth of July. If one of these holidays falls on a Saturday, the Friday immediately preceding is a school holiday. If one of these holidays falls on a Sunday the Monday immediately following is a school holiday. A teacher shall not be required to perform employment services on these holidays, nor may the salary of a teacher be diminished because the teacher does not perform employment services on a school holiday.

(b) The public schools shall be in session on all other holidays falling upon school days and shall conduct appropriate exercises in recognition of the day.

(c) The governing body of the school district may declare additional holidays. (§ 1 ch 98 SLA 1966)

Editor's notes. — In the last sentence of subsection (a), "the teacher" was substituted for "he" by the revisor of statutes pursuant to AS 01.05.031 and § 4, ch. 58, SLA 1982.

Sec. 14.03.060. Elementary, junior high, and secondary schools. (a) An elementary school consists of grades kindergarten through grade eight or any appropriate combination of grades within this range.

(b) A secondary school consists of grades seven through 12 or any appropriate combination of grades within this range. The establishment of one or two grades beyond the 12th grade is optional with the governing body of the school district.

(c) Grades seven through eight, nine, and ten or any appropriate combination of grades within this range may be organized as a junior high school.

(d) This section does not prevent a high school from issuing a diploma to a student who has completed the 12th grade. (§ 1 ch 98 SLA 1966)

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill No. 125 Date on Bill: 1/26/83
 Title: "An Act relating to 'emergency closure days 'in response to a threat to the health and
 Sponsor: Representative Larson safety of students."
 Requestor: _____

1. Estimated fiscal impacts on: Department of Health & Social Services

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			0	0	0	0		
Operating			0	0	0	0		
Total			0	0	0	0		

B. Revenues:

Revenue								
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2. Source of funds to offset fiscal impact of bill:

Responsibility for identification of funding is that of the author of the bill.

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared by: Dean Tirador, M.D. *Al H. ...* Phone: 465-2113
 Division: Public Health Date: 2/8/83

Approved by Commissioner: Robert Larson, M.D. Date: 2/22/83
 Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

POSITION PAPER

HOUSE BILL NO. 125

"An Act relating to 'emergency closure days' in response to a threat to the health or safety of students."

This Bill amends AS 14.03.030 by adding a provision that an "emergency closure day" may be substituted for a day in session because of conditions posing a threat to the health or safety of students.

The Department of Health and Social Services cannot comment on the educational impact of the new provision. Emergency closures for strictly health or safety reasons are a relatively uncommon event and can be kept at a minimum by strict enforcement of existing statutes and regulations relating to immunization requirements and building and safety codes. In the past year, there have been no instances in which the Division of Public Health has recommended closure of a school due to health reasons. The most likely reasons for closure would probably relate to environmental considerations due to failure of utilities such as heating, water or sewerage systems.

Recommended by:

E. S. Rabeau
E. S. Rabeau, M.D., Director
Division of Public Health

Date:

Feb 5, 1983

Approved by:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and Social Services

Date:

2/9/83

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB - 125
 Title An Act relating to 'emergency closure days'...
 Requested by House HESS Date 2/22/83

II. FISCAL DETAIL

Agency Affected Education
 Program Category Affected Elementary and Secondary Education
 BRU, Program, Or Subprogram(s) Affected K-12 Foundation Support
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						
OPERATING						
CAPITAL						


POSITIONS N/A

FULL TIME						
PART TIME						
TEMPORARY						

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

THIS FISCAL NOTE IS PRESENTLY BEING REVIEWED BY THE OFFICE OF MANAGEMENT AND BUDGET.

This bill has no fiscal impact.

IV. DATE 2/22/83 PREPARED BY Steve Hole 
 AGENCY Education
 Original: Legislative Finance PHONE 465-2865

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

H B

127

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: November 29, 1983

REQUEST:

Bill/Resolution No.: House Bill No. 127
 Title: "An Act to increase the punishment
 for sexual assault in the first degree."
 Sponsor: Reps. Lindauer, Hurlbert, Pestinger
 Requestor: Governor Sheffield
 Date of Request: September 15, 1983

FISCAL DETAIL:

Agency Affected: ADULT CORRECTIONS AGENCY
 Program Category Affected:
 Administration of Justice
 BRU, Program or Subprogram(s) Affected:
 Administration & Support, Northern,
 Southcentral & Southeastern Regions

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	24705.0	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	24705.0	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL	-0-	-0-	-0-	24705.0	-0-	-0-

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill has not been identified by the bill sponsor.

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Roger C. Lange *Roger C. Lange*
 Division: Administrative Services

Phone: 465-3376
 Date: November 29, 1983

Approved by Commissioner: *William W. Ladwig for Roger V. Enell*
 Department: ADULT CORRECTIONS AGENCY

Date: December 16, 1983

Distribution:

- Legislative Finance ✓
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency (ies)

IV. ANALYSIS

The current conviction rate for sexual assault in the first degree (rape) is 110 persons per year. Of this number, approximately 90 are first convictions.

House Bill No. 127 increases the presumptive sentence for first felony convictions only. The sentences for second and third convictions are unchanged from existing law. The increase in presumptive sentence length for first time offenders of sexual assault is two years.

It is assumed for purposes of this fiscal note that every offender earns all good time available. Since one day of good time is earned for every three days served, the increase in time served by each of the 90 persons convicted would be one and one-half years. This will result in the need for 135 additional bed spaces within the Alaska correctional system.

The impact on the system will not be experienced until six (6) years after passage of the proposed legislation since that is the minimum time served to under a presumptive sentence of eight (8) years. Considering the passage of time involved from the appropriation of funds to the completion of construction, the capital funds are requested for FY 1988, with a projected date of July 1, 1990 for opening the new facility. The cost for construction is estimated to be \$183,000. This is based on an estimated cost per bed of \$183,100 (FY 1984 costs, plus 10% inflation for each of four years) times 135 beds: $135 \times \$183,000 = \$24,705,000$.

No operating costs are identified in the fiscal note as they will not be experienced until FY 1991. Approximately 34 staff positions would be needed at that time, as well as funding for all areas related to the care and custody of the additional inmates.

WHILE YOU WERE AWAY

FOR Dorothy Peavey DATE _____ TIME _____ A.M.
P.M.

M Rep Lindauer

OF _____ TELEPHONED

PHONE _____ 3709 RETURNED YOUR CALL

AREA CODE NUMBER EXTENSION

MESSAGE - Can contact her PLEASE CALL

if you have any questions WILL CALL AGAIN

about this info that will CAME TO SEE YOU

be passed out to UH ESS committee WANTS TO SEE YOU

SIGNED members ~~for~~ TOPS FORM 4002

SECTION = 12.55.125
TITLE = 12

HB 127

HEADINGS TITLE 12.
Code of Criminal Procedure.
CHAPTER 55.
Sentencing and Probation.

CITATION Sec. 12.55.125.

CATCH LINE

SENTENCES OF IMPRISONMENT FOR FELONIES.

TEXT

(a) A defendant convicted of murder in the first degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years. LIMITED EFFECTIVE DATE

(b) -EFFECTIVE UNTIL JANUARY 1, 1983- A defendant convicted of murder in the second degree or kidnapping shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years.

POSTPONED EFFECTIVE DATE

-EFFECTIVE JANUARY 1, 1983- A defendant convicted of murder in the second degree, kidnapping, or misconduct involving a

..copy d

E1001 ENTER COMMAND IN CORRECT FORMAT OR RETURN TO CONTINUE

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 2 OF 5

controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years.

(c) A defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, five years;

(2) if the offense is a first felony conviction, other than for manslaughter, and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, seven years;

(3) if the offense is a second felony conviction, 10 years;

(4) if the offense is a third felony conviction, 15 years.

(d) A defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of not more than 10

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 3 OF 5

years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a second felony conviction, four years;

(2) if the offense is a third felony conviction, six years.

(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a second felony conviction, two years;

(f) If a defendant is sentenced under (a) or (b) of this section,

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

(2) imposition of sentence may not be suspended under

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 4 OF 5
AS 12.55.085;

(3) imprisonment for the prescribed minimum term may not be otherwise reduced.

(g) If a defendant is sentenced under (c), (d)(1), (d)(2), (e)(1), (e)(2), or (i) of this section, except to the extent permitted under AS 12.55.155 12.55.175,

(1) imprisonment may not be suspended under AS 12.55.080;

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

(3) terms of imprisonment may not be otherwise reduced.

(h) Nothing in this section or AS 12.55.135 limits the discretion of the sentencing judge except as specifically provided.

(i) A defendant convicted of sexual assault in the first degree may be sentenced to a definite term of imprisonment of not more than 30 years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and

AS12.55.125 DOCUMENT= 1 OF 1 PAGE = 5 OF 5
does not involve circumstances described in (2) of this subsection, eight years;

(2) if the offense is a first felony conviction, and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 10 years;

(3) if the offense is a second felony conviction, 15 years;

(4) if the offense is a third felony conviction, 25 years.

HISTORY (Sec. 12 ch 166 SLA 1978; am sec. 18 ch 45 SLA 1982; am secs. 28-30 ch 143 SLA 1982)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 127 Date on Bill: 1/26/83
 Title: An Act to increase the punishment for sexual assault in the first degree
 Sponsor: Representative Lindauer
 Requestor: House Health Education & Social Services Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operative				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 2/28/83
 Approved by Commissioner: [Signature] Date: 2/28/83
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 127
Title An Act to increase the punishment for sexual assault in the 1st degree
Requested by House HESS Date Jan. 26, 1983

II. FISCAL DETAIL

Agency Affected Health & Social Services
Program Category Affected Offender Confinement Reformation & Supervision
BRU, Program or Subprogram(s) Affected Adult Confinement
(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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS ETC.						
TOTAL					24718.5	

FUNDING (Thousands of Dollars)

GENERAL FUND					24718.5	
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PAID TIME						
TEMPORARY						

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

The enactment of this proposed bill will increase the sentence length for the crime of sexual assault in the first degree.

IV. DATE February 3, 1983

PREPARED BY Roger C. Lange
AGENCY Division of Adult Corrections
PHONE 465-3376

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

BILL NUMBER House Bill No. 127

EXPENDITURES

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES					24718.5	
700 GRANTS, CLAIMS ETC.						
TOTAL	-0-	-0-	-0-	-0-	24718.5	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	24718.5	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

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

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

The current conviction rate for sexual assault in the first degree (rape) is 110 persons per year. Of this number, approximately 90 are first convictions.

House Bill No. 127 increases the presumptive sentence for first felony convictions only. The sentences for second and third convictions are unchanged from existing law. The increase in presumptive sentencing for first time offenders of sexual assault is two years.

It is assumed for purposes of this fiscal note that every offender earns all good time available. One day of good time is earned for every three days served. Therefore the increase in time served by each of the 90 persons convicted would be one and one-half years. This will result in the need for 135 additional bed spaces within the Alaska correctional system.

The impact on the system will not be experienced until six (6) years after passage of the proposed legislation since that is the minimum time served under a presumptive sentence of eight (8) years. Considering the time involved from appropriating funds to completion of buildings, the capital costs are requested

for FY 1987, with a projected date of July 1, 1989, for opening the new facility. The cost for construction is estimated to be \$24,718,500. This is based on an estimated cost per bed of \$183,100 (FY 1985 costs, plus 12% inflation for each of two (2) years) times 135 beds: $135 \times \$183,100 = \$24,718,500$.

No operating costs are identified in the fiscal note as they will not be experienced until FY 1990. Staff positions would be needed at that time, as well as funding for all areas related to the care and custody of the additional inmates.

ALASKA ACTION TRUST
c/o SRA Box 1553Z
Anchorage, AK 99507

March 28, 1983

HKS
MAR 30 1983

The Honorable Mae Tischer
Pouch V
Mail Stop 3100
Juneau, AK 99811

Dear Representative Tischer:

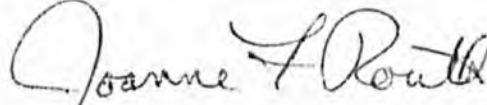
The Alaska Action Trust is a statewide organization composed of attorneys actively involved in trial practice. The Trust has and seeks membership from attorneys practicing in all parts of Alaska and is supported by voluntary contributions from its members. The Trust members feel that their experience and background on specific legislation may assist you as a member of the House Health, Education & Social Services Committee of the Thirteenth Alaska Legislature.

The Trust therefore requests that you advise us of committee meetings and public hearings on the following bill presently before your committee: HB 127. By separate letter we are also requesting this information from other members of the committee.

If we can be of assistance to you by submitting written or oral testimony, please do not hesitate to contact us.

Sincerely,

ALASKA ACTION TRUST



Joanne F. Routh,
Executive Secretary
Telephone 345-5543

JFR:jff

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 127 Date on Bill: 1/26/83
 Title: An Act to increase the punishment for sexual assault in the first degree
 Sponsor: Representative Lindauer
 Requestor: House Health Education & Social Services Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
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2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 2/28/83

Approved by Commissioner: [Signature] Date: 2/28/83
 Department: Public Safety

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2/15/83

The Tragedy of Teenage Prostitution

by FATHER BRUCE RITTER with BOB WEINSTEIN

We must face the shocking facts, says a Catholic priest, and care enough to try to change them.

WI am not going to make it. I am going to die out there. The streets are going to kill me." He was 17 years old. We'll call him Louis. He was talking to one of the co-authors of this article, the Reverend Bruce Ritter, a 52-year-old Franciscan priest. Two years ago, Father Ritter started Covenant House. It is a shelter for teenagers, most of them runaways, who roam the sinful streets around Times Square in midtown New York.

Wherever there are large numbers of runaways, teenage prostitution is a fact. The problem is already very bad—and getting worse—in cities such as New York, Los Angeles, Miami, and Houston. But it's not just a big-city problem. Those runaways come from almost every corner of the United States. Fleeing or kicked out of their homes, they come to the cities with dreams of glamor and fun.

The Federal Bureau of Investigation keeps statistics on runaways. Between 600,000 and one million young people run away from home every year, the FBI reports. Not all of these, of course, end up in prostitution. In fact, quite a few return home very soon. But almost all teenage prostitutes start out as runaways.

These teenage runaways cannot get honest work. They have not finished school. Rightly or wrongly, they don't want to go home. Or maybe they don't have a home, or parents, anymore. Or maybe their parents don't want them to come home.

Over the past 18 months, 8,000 homeless young people have come to Covenant House. There, they can get a good night's sleep, eat nourishing meals, and clean up. Perhaps most important of all, they can talk about their lives with the volunteers who work there. Like Louis, who fears "the streets are going to kill me," 60 percent of the young people who show up at Covenant House are involved in prostitution.

At 17, Louis has been a hustler for three years. He didn't finish school and can't write very well. He's an alcoholic. He drinks every day, he says, to try to forget what he has to do to survive. He is a naturally

Few things get Father Ritter to put aside his work for Covenant House—even for a little while. This article was one of them. We are grateful to Father Ritter and to his co-author, Bob Weinstein, a frequent contributor to this magazine.



Teenage runaways head for cities — and ruined lives. Father Ritter fights to save them.

bright person who, maybe, could have led a more "normal" life. But his chances, now, of leading anything like a normal life are just about zero.

What do volunteer workers say to teenagers like Louis who come to Covenant House and similar shelters around the country? The volunteers have only one hope: to try to convince a teenager that he or she has other choices in life. Maybe (a volunteer may suggest) going back home is better than staying

on the streets. But many of these teenagers just can't believe that they can change their lives, that they have any choices at all.

So, they go back on the streets. Hundreds of them have been held prisoner, tortured, raped. Some of them have been murdered. One 16-year-old girl—we'll call her Alice—was held prisoner for a week, after a pimp picked her up in New York's Port Authority Bus Terminal. Alice was drugged, raped repeatedly, but finally escaped. Her pimp found her again and told her he had to have her back. He said he owned her. Besides, Alice was worth thousands of dollars a month to him.

Police have identified about 1,000 pimps in just the New York City midtown area. Each one usually controls between two and four girls like Alice. The prostitute is the "property" of the pimp. Each girl is expected to bring the pimp a certain amount of money a day, usually around \$200. She has to. If she doesn't, a brutal beating is about the best she can hope for.

Prostitution has been called a "victimless crime." That means a crime that doesn't hurt anybody. But that leaves out all the young people who are beaten, tortured, held prisoner. And what about those who are murdered? What about the ones who commit suicide out of hopelessness and desperation?

These are the victims. But who, really, are they? Here are some statistics from Covenant House. Fifty percent of the teenage prostitutes are black; 18 percent are Spanish-speaking; 25 percent are white. The rest are of mixed ethnic backgrounds. Seventy-five percent are boys. The median age of both boys and girls is about 17. Almost one-half of

them are 17 or younger. Nineteen out of 20 come from one-parent families. If they come from two-parent families, there is almost always alcoholism in the family.

Seventy-five percent of teenage prostitutes are children of the poor. Most of them have suffered child abuse. They have either been thrown out or walked out of homes that have broken up, or homes where there seems to be no love or understanding left.

To an experienced pimp, these needs for attention and security are easy to spot—and easy to prey on. A lot of scared young girls, for example, want to believe that the smooth, expensively dressed young men who seem to fall for them really care. The rude awakening often comes when the girl is asked to prove her love by repaying the man for his generosity. She can repay him, he tells her, by selling her body and making money for them both. For her, it can seem like her only option.

Meanwhile, the "sex industry" is booming. And teenage prostitution and pornography, too, get bigger every day. Business has never been better. Why? There are probably just two answers. They are two of the seven deadly sins—greed and lust. There is big money in selling sex. Greed makes people go after that money. The money comes from other people who lust after children and teenagers. And, of course, the greedy ones want to make sure money keeps rolling in. They are for the most part linked to what we know as organized crime. They have a big stake in being deadly efficient—for them, sex is a \$4-billion-dollar-a-year industry. □

Father Bruce Ritter— On Stopping Teenage Prostitution

Senior: With all you've seen—all the pain and suffering—do you think it's possible to end the problem?

Father Ritter: I do. It seems, though, that very few people really want to do anything.

Senior: Do what? You make it sound as if individuals—young individuals—can do something. But is that realistic? What have adults, politicians, the police been able to do?

Ritter: Very little. But I think that's because they've only given lip service to the problem. But they've made little effort to stop it. The problem grows worse every day. But young people can care. Caring is a good way to start. If their sister or brother or close friend were on a street corner, it wouldn't be so hard to care. Caring is the first step in accepting responsibility—for yourself and for others.

Senior: That sounds good. But it also sounds like a lot of other things people have said before about love and caring making things all right....

Ritter: Wait a minute. That's only a beginning. The caring makes people act. And that's what it takes to make them realize they have power.

Senior: What kind of power?

Ritter: The power to put people into office—and to

take them out. Politicians respond to the people who write them—people who care, people who vote. Letters are a good way for your readers to start. And before long, they'll be voting. They can vote against the uncaring politicians and judges and the do-nothing district attorneys.

Senior: But statistics show that not many young people actually vote.

Ritter: I know! That's immoral and irresponsible. I hear young people say that their vote doesn't count. But they don't even try to find out if that's true. They may shake their heads over a problem like teenage prostitution, but they don't try to do anything.

Senior: But why should they really care—about a problem that seems so far away?

Ritter: I thought I already gave them some good reasons. But here's another. Some day, they will have children of their own. And they have to decide if they want those children growing up in a world where young people are bartered like sacks of potatoes. They can't afford to wait until then... until those children are teenagers and maybe thinking of running away. That will be too late. The problem can't be—won't be—stopped overnight. It's going to take time. And the time to start is now. □

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NCIDENTS — ve minor injuries, adolescents who t as teens exhibit ch as refusing to ong, disobeying, ing rules. At least onrolling discip- ents, such as di- e, and remarriage, drearing methods, these incidents. undetected pattern, stressed families in rigid control and plinary practices."

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see call for more work in its incidence, causes and well as developing pro-

grams for prevention and treatment. Their paper is the first to address adolescent abuse from the standpoint of a combination of factors, involving parents, children and social stresses, and is intended to guide future work on the subject.

Teen-Age Prostitutes

Adolescent prostitution has been receiving a great deal of attention in Minnesota, and particularly in the Twin Cities area of Minneapolis-St. Paul. The area is notorious as the home of many young girls who are now working as prostitutes in New York City, Chicago, and California; so notorious that one section of New York with numerous adolescent prostitutes has become known as the "Minnesota Strip."

Based on 3 years of direct fieldwork, Michael Baizerman, Jacquelyn Thompson, Kimaka Stafford-White, and "An Old, Young Friend"—an 18-year-old woman with five years' experience in prostitution—have written of this problem in *Children Today*.

In the Twin Cities area, girls of all races are involved in prostitution; their ages range from 13 to 18. Some have a male pimp, others do not, and many make a transition from working independently to working for a pimp. Generally speaking, most of the young prostitutes work "the street"—both actual city blocks and other specific locations, such as shopping malls and the areas around some bars and after-hours clubs. Most sex acts take place in cars, although some girls use apartments and, more rarely, motel and hotel rooms.

Many of the girls practice birth control; pills, followed by the IUD, are the two most popular forms. Since girls may begin using the pill at an early age, they may be at risk of resultant medical complications. Use of the IUD could lead, through violence during the sex act, to such serious problems as perforation of the cervix. Condoms seem to be used less as a pregnancy prophylactic than as a preventive for venereal disease.

Many girls do not know much about venereal disease, and what information they do have seems to be obtained from "the street." Some learn from experience that one consequence might be scar tissue on the fallopian tubes, which could prevent pregnancy. Generally, pimps take care of the medical and health expenses of their girls.

Many pimps working in neighborhoods and the metropolitan area do not use hard drugs and do not allow their girls to use them—hard drug use raises the risk of arrest and the cost of the pimp's operation. Hard drugs also compete with a pimp for the girl's dependency. This is not to say that many girls do not have a history of drug use or that some girls may not be intentionally intro-

duced to drugs as a way to secure and control them. However, this latter pattern is more characteristic of interstate than of local patterns.

All of the pimps are male and most of the younger ones are black. Those who live in the neighborhood where the girls work—"popcorn" or "buhblegum" pimps, or "players"—are about 17, 18 and 19 years old, while those who come from outside the state are usually older, having moved up the "career ladder" from neighborhood pimp to small businessman. Black pimps tend to work on the street while white pimps, usually older, are more likely to be involved with more formally organized action such as call girls, saunas, and massage parlors.

In general, the younger pimps come from disadvantaged neighborhoods; they have relatively poor formal education, lack basic skills, and have few opportunities to obtain legitimate work. As a result, they are likely to be frustrated, angry, resentful, and unsure of themselves. They tend to use force to control their girls and may attempt to hurt a girl or someone who tries to interfere with their operation. It is likely, however, that many of these young men will move out of pimping if other possibilities are found. Those who stay in it do so partly because there are few work opportunities. Most do not stay out of any great pathological or perverse need.

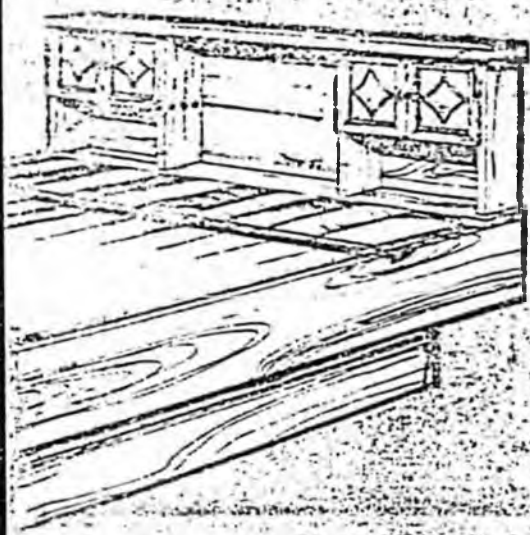
Older and more sophisticated pimps rarely use physical force on their women. Their method of control is psychological and emotional, with the goal of having the girls become totally dependent upon them.

The local buyers or Johns seem to be white men over 25 years of age, both married and single. We know that many have families of their own—and that some men ask for girls of their daughters' age.

Although a wide variety of sex acts are performed, most men seem to want oral sex or intercourse. The price varies according to the act and the time involved. For ordinary oral sex or intercourse, it is about \$25. Other factors—whether the girl works for a pimp, the location of the pick-up, the nature of the sex act, and whether or not there is a big convention in town—also influence the cost.

Most of the action seems to take place from lunchtime to late afternoon, and then later in the evening. These afternoon times fit well within typical male working schedules and allow married men the opportunity to be home in the evening and still engage in—and protect—their activities.

Business hours are also determined by the girls' schedules. Since they may also be students in junior and senior high school, the girls may choose to work only after school. Afternoon hours are convenient for girls who live at home and work at prostitution part time, without parental knowledge.



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sentence of 3 years

By TERRY CARR
Daily News reporter

A 26-year-old father of five was sentenced to three years in prison Wednesday for running a prostitution ring of teenage girls.

Willie B. Bell, who has been in jail since he was arrested on pimping charges in May, is the first person to be convicted and sentenced to prison under a 1980 law outlawing the promotion of prostitution among juveniles, prosecutors said.

Superior Court Judge Milton Souter said he added one year to Bell's sentence because of testimony Wednesday by another jail inmate, William Smith. Smith told the court Bell Wednesday morning threatened to harm him and his daughter unless Smith gave testimony favorable to Bell.

Bell denied making the threat.

Souter ordered Bell to prison despite pleas from defense attorney Peter Mysing, who called his client's offenses "a detour in his life" and said Bell was an "adoring father."

If Souter gave him probation, Bell told the judge, "you'll never see me in another courtroom for anything."

Souter called the crimes for which Bell was convicted in October a "dirty business."

"This sentence has to serve as a deterrent" to Bell and others engaged in prostitution, he said.

Souter also said he was influenced heavily by trial testimony and evidence that the Bell used violence and the threat of violence to control the girls in his prostitution ring.

Teenagers who worked for Bell testified during the trial that Bell often beat them and threatened to kill them.

Souter said "the great majority of women would not engage in prostitution" unless threatened with violence, lured with the promise of narcotics, or by other means of persuasion.

"Here, the powerful persuasion was threats of violence and, on at least one occasion, the use of violence," he said.

Bell, who sat silently throughout most of Wednesday's sentencing, spoke only to plead for probation and to contest the testimony of Smith, the inmate who claimed Bell had threatened him.

"I've been in jail," Bell said. "I learned my lesson in jail. I don't need to spend any more time in jail."

Smith, who was arrested here in December on an Artransa theft charge, said he became friendly with Bell in jail. "You better get me out of this," Smith quoted Bell as telling him.

Smith, who at first refused to testify but relented under Souter's order, said Bell also threatened Smith's 14-year-old daughter unless Smith testified favorably.

Bell denied he threatened Smith or his daughter.

"All I told him was to come to court and testify and tell the truth," Bell said.

Souter, however, said he believed Smith and that he added a year to the sentence because of the threats.

"I think Mr. Bell needs to sit in jail and think about that. We're not going to tolerate that sort of behavior," Souter said.

Souter gave Bell credit for the 240 days he has already spent in jail. Bell will be eligible for parole after serving one-third of his sentence.



The joy of snow

With fresh white stuff falling in their faces, winter students at Lake Otis Elementary School rejoiced Wednesday in the first major snowfall of the year.

3 consulting firms

Plans to build a huge, centralized state office building in Anchorage will move a step closer to fruition next week with the selection of a local consultant to assist in site selection and design.

But at least two Anchorage lawbreakers say they have major reservations about the structure.

Rep. Russ Weidens, recalling the construction of the new Federal Building here a few years ago, voiced fears that the addition of the massive complex to house state offices could depress the private market for office space here. Sen. Ed Dunworth said he is not convinced the project is needed.

Guided by Department of Administration Commissioner Bill Hudson, the office project is moving rapidly toward actual construction. Hudson says he hopes for an August groundbreaking.

Tuesday, the Anchorage Assembly backed the concept of locating a central state office building downtown. Hudson

said the endorsement is a signal that we're serious.

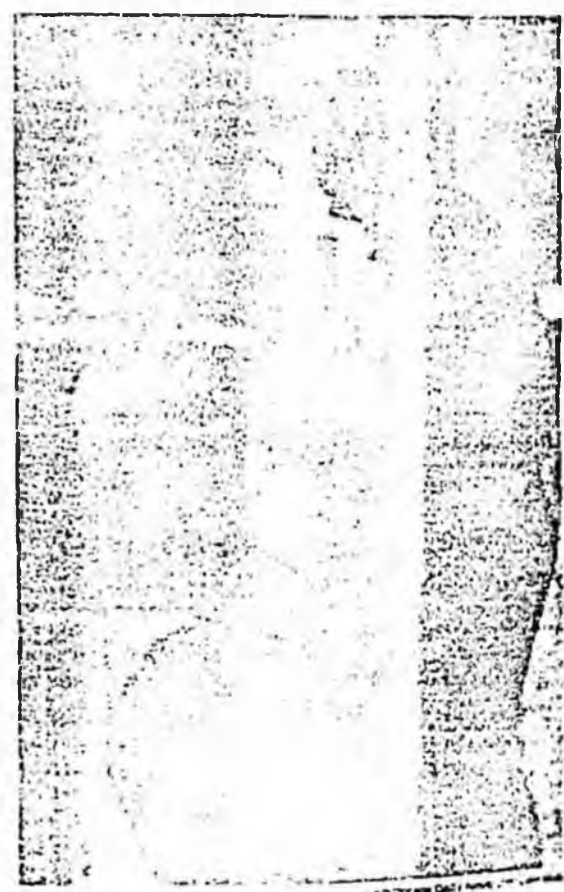
If the building is built, Hudson will meet Monday with officials in agencies and the media.

A consultant from the Merriam and Mackinac Associates, and OMA and Planners All are expected to be selected.

"We will hear from each of the firms this week, and we will announce the final selection," Hudson said.

"I'm currently reviewing the proposals and will make a recommendation to the state."

That scenario, Hudson said, is popular with lawmakers.



Neither rain, nor sleet, nor snow

Despite the snow, mailman Robert Lincoln was on the job Wednesday, delivering mail and delivery on I Street.

Reed, Burk, McDaniel and Smith have pleaded not guilty to all charges against them.

The first indictment was dismissed, without government objection, after defense attor-

neys' motion for government's charges.

Federal agents used Greene and Billy Ray Helveston, a government informant who was not charged, to surreptitiously tape record conversations with defendants in the arson investigation.

The recordings are expected to play a substantial role in the government's case.

Footprints in the snow

A snow covered bench in the downtown park strip went untouched today by passersby.

Anchorage Daily News-Mail Obit

Willie Bell convicted in teen-ager prostitute case

By JULIE ANNE GOLD
Daily News reporter

Willie B. Bell, accused as a Fourth Avenue pimp, was convicted of inducing a 14-year-old girl into a life of prostitution by a Superior Court jury Thursday.

The 27-year-old Bell faces up to 10 years for the first-degree felony charge.

In a complex reading of six separate verdicts, the jury found Bell innocent of forcing two other girls, ages 15 and 16, into prostitution, but guilty of promoting them to become prostitutes.

These lesser, third-degree charges carry possible prison sentences of up to a year and 90 days.

Delivering its sixth verdict in the

case, the jury found Bell guilty of managing and supervising a prostitution enterprise, other than in a place of prostitution. The felony offense holds a maximum sentence of five years in prison.

Bell, nervously looking around the nearly empty courtroom Thursday, buried his heads in his hands after the clerk read the first "guilty" verdict.

"We plan to appeal," said Peter Mysing, Bell's attorney.

"All three ladies' testimony was damaging against Bell," Mysing said. "The issue was who was the jury going to believe."

Even though Bell admitted taking money that he knew came from prostitution from the 16-year-old, according to Mysing, Bell never "caused" or

"induced" the 14-year-old to become a prostitute.

However, the jury thought otherwise.

"There was definite evidence to support she was forced into prostitution," one juror said Thursday. "The photos showed she was beaten and bruised."

Prosecutor Martha Beckwith said the 14-year-old's testimony and a tape-recorded confrontation between Bell and the three girls probably were the most damaging evidence against Bell.

"He beat me real bad," a voice — identified by the state as belonging to the 14-year-old — said on the tape.

A series of color snapshots, passed from juror to juror, depicted the teen-ager with cuts and bruises on her face and arms.

However, the testimony of the older girls apparently did not convince the jury that Bell "forced" or "attempted to force" them into prostitution.

One of the girls, who admitted to being a prostitute before she met Bell, told the jury she was his lover for several months before his arrest.

"In her case, it was hard to tell what was a lovers' fight from a business fight," another juror said.

Another juror agreed, saying "there was just not enough evidence for a first-degree conviction" in connection with the two other girls.

But the jurors, gathered around Judge Milton Souter's third-floor jury room for the last time, all agreed there was plenty of evidence to convict Bell of the state's last charge —

pimping for the three girls.

"The facts showed he drove them around" Fourth Avenue, one juror said, and "then waited and picked them up."

Mysing called Bell's conviction a "surplus charge." The only way his client could be convicted of inducing the 14-year-old to become a prostitute, Mysing said Thursday, would be by pimping for her.

If Bell is sentenced to both charges the state will be guilty of double jeopardy, Mysing claimed.

Beckwith disagreed, saying she "was pleased" with the verdicts.

It was the first time "in at least four or five years" the state has successfully prosecuted someone for street pimping, she said.

Items — direct
from Liverpool —
go on Hohman's



Forums on aging set

Community forums on aging — meetings at which the elderly look at issues affecting their lives — are scheduled here through December.

Concerns expressed at the forums will be developed at the

Community School, 3933 Patterson, 7 p.m. to 9 p.m.

• Nov. 1, Tudor Community School at St. Mary's Church, 4502 Cassin Drive, 1 p.m. to 4 p.m.

• Nov. 17, Sand Lake Com-

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C
T

Jury deliberates pimp case

Linton

By JULIE ANNE GOLD
Daily News reporter

The fate of Willie B. Bell, an Anchorage man accused of setting up three teenage girls in lives of prostitution, was being contemplated Wednesday night by a jury of six men and six women.

Closing arguments brought an end Wednesday to the eight-day trial in which three former teen-age prostitutes explained the ins and outs of working the streets of Anchorage to the jury.

Bell was arrested in May for allegedly forcing two of the girls, and attempting to induce the third, to engage in prostitution. He was also indicted on a fourth charge of illegally running a prostitution business.

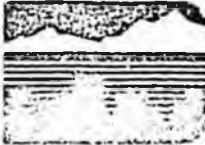
If convicted, Bell, who has pleaded innocent to all the charges, could face up to 25 years in jail, according to the district attorney's office.

The case is the first time in many years the state has brought an alleged pimp to trial on felony charges, the district attorney's office said.

Prosecutor Martha Beckwith relied heavily Wednesday on the testimony of the three teenagers to prove the state's case against Bell.

Under oath the girls, ages 15, 16 and 17, pointed to the defendant — usually slouched in his chair — as their former pimp who often beat them and threaten to kill them for not making more money from "johns" or "dates."

Bell's lawyer, Peter Mysing, claimed Bell never agreed to be their pimp and that



they were free to leave him any time, but decided live with him while they — on their own — engaged in prostitution.

Mysing acknowledged Bell on occasion drove the girls downtown, accepted money from them and slapped them during "domestic" quarrels. However, he denied his client ever "induced or forced" them to be prostitutes.

In order to convict Bell on first-degree pimping charges, the state must prove he intended to cause or force the girls to engage in prostitution.

In an effort to discredit the girls'

testimony, Mysing recounted Bell's testimony of driving one of the girls to the Big Timbers motel for a "date."

The room cost \$37 and the girl received \$20, Mysing said. Bell would have to be an "extremely bad pimp" if he had set up the meeting.

Beckwith defended the testimony of the girls. "She basically went through the wringer to come in and testify candidly," Beckwith said, defending the veracity of one of the girl's statements.

That girl admitted under cross-examination to being a prostitute and living with several men for a few months at a time before agreeing to live and work for Bell in January.

"Ladies and gentlemen, ask yourselves why Mr. Bell was involved with these young girls, these juveniles," Beckwith said. "Why did he give them rides" downtown, wait for them and pick them up.

"If it were not like men like Mr. Bell, perhaps juveniles would not run to the street. Bell performed a function on that street," Beckwith claimed.

If the jury reaches a verdict Wednesday, one court source said, the results would be sealed and not made public until this morning.

Stevens tells oil leaders state has good potential

By NANCY SHUTE
States News Service

WASHINGTON, D.C. — Sen. Ted Stevens, R-Alaska, told a meeting of oil and gas industry representatives exactly what they wanted to hear this week, promising Alaska energy reserves will rescue the United States from dependence on foreign oil.

Stevens, addressing the Garmen's Roundtable here Tuesday, made the occasion a dress rehearsal for his upcoming stump of the West in support of Republican presidential candidate Ronald Reagan's energy policy.

"Gov. Reagan was absolutely right when he said that Alaska has the oil potential of Saudi Arabia," Steven said. "But I think he was too conservative. Alaska has the potential of becoming several Saudi Arabias."

Stevens also called for a renewed effort to pass an Alaska lands bill when Congress returns for a post-election lame duck session Nov. 12, advocating defeat of the bill proposed by Rep. Morris Udall, D-Ariz., a week ago in the final moments of the session.

"I am going to ask members to demand that the Udall bill be changed — that leasing begin on

the Arctic Wildlife Range in 1991. That should be the goal of the lame duck session."

Stevens lambasted President Jimmy Carter's energy policy, terming it the "moral equivalent of appeasement." He accused Carter of having gone one step further than previous presidents in locking up Alaskan oil leases, particularly in the Arctic Wildlife Range.

"There hasn't been a single onshore lease in Alaska's federal lands since 1965," the senator said. "Carter went one step further. He used the Antiquities Act to withdraw 100 million acres, and has fought to prevent any leasing or even seismic testing of the Arctic Wildlife Range."

The Department of Energy, created by Carter, has "virtually bogged down" domestic oil and gas production, Stevens claimed.

Not an original Reagan supporter, Stevens said his only quarrel with the candidate's energy policy was over synthetic fuels.

"I disagree with Reagan on the Synfuels Corporation," he said. "I support it so long as it is mandated to depend on private enterprise to develop new technology." Reagan opposes the federally-funded development of synthetic fuels production.

State pamphlets mailed to voters

The Associated Press

JUNEAU — More than 250,000 state election pamphlets have been mailed to registered voters in Alaska, Lt. Gov. Terry Miller said Wednesday.

The pamphlets contain biographical information and state-

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IDEAS FOR A GREAT NORTH BY NORTH

JENN-AIR

Anchorage Times 2/2/83

Prostitutes' survival — old but tricky business

"Oh, the Sisters of Mercy, they are not departed or gone."
— Leonard Cohen

by Krysl Holmes
and Ellis E. Conklin
Times Writers

Under the neon lights of the Scandinavian Club, Denise, a 22-year-old hooker, stood alone Monday night.

After a deep yawn, she lit up a cigarette, kicked the slush from her maroon leather boots and ambled down The Avenue.

Few people walked by her. And those who did didn't seem to notice. Denise is a Fourth Avenue fixture like the drunks and the hot chill at the Panhandle Cafe.

At \$50 a crack and several "tricks" a

night, Denise can make as much as \$600 to \$1,000 a week. All the money, however, goes to her pimp. And, as one police officer put it: "They all say they work alone, but there isn't one girl out there who doesn't have a pimp."

The pimp takes care of her room and board, clothing, and the modest accessories necessary to perform nightly in this ancient profession.

"Things are quiet now," she said. "They (police) made the big bust and there ain't nothing left for 'em, 'cept for me and couple of other girls."

"I think they want to get the streets clean for Fur Rondy," Denise said bitterly.

She quickened her pace, turned the

corner at Fourth and Barrow, and decided she "don't want to talk no more."

There aren't many prostitutes talking right now. After a crackdown last weekend, most of them are scared. Others are in hiding "until the heat cools down." And many of them are still in jail dressed in blue jump suits, waiting for their pimps to post bail.

In the past 72 hours, Anchorage police, dressed in street clothes, have made 54 arrests for loitering and solicitation. Some of the women were collared as many as three times during the weekend. Chief Brian Porter said he can't remember seeing that much jail activity in several years here.

During the weekend, Porter said, the

streets were thick with prostitutes, and competition among the women was fierce. Some actually tried to stop traffic or climb into cars, Porter said. A police officer walking down the street discovered a prostitute with her "trick" having sex in the man's car. She got her \$50 for the deal — and was arrested on the spot. One local woman said her husband was propositioned as they walked to a restaurant in the Sunshine Mall.

There were no customers arrested, and not a single pimp.

Police say many of the women now working the streets came from Canada, Hawaii and the West Coast. Some came for more money; some because Anchorage has long

See Trick, page A-4

Trick

(Continued from page A-1)

been a part of the prostitutes' migration pattern between Honolulu, Seattle, San Francisco and Los Angeles.

And for others, it is the promise of making a bundle during the Fur Rendezvous celebration that begins next weekend, and the military's Brim Frost maneuvers, that bring some 60,000 potential customers to Alaska to play war games in the Interior and see the sights of Anchorage afterward.

Tim Casper, a veteran on the vice squad, said the number of prostitutes on The Avenue rises and falls in a pattern. "It's something you can really count on," he said. "In January, they're all over, and they'll be that way until we put the pressure on them."

The "pressure" starts when the public outcry rises above a tolerant grumble. Until then, police are encouraged to spend the taxpayers' money going after the less visible crimes: robberies, rapes and burglaries.

But prostitution takes its toll on Anchorage's streets. Customers are rolled. Men are robbed by the women they willingly pay for, as the girls try to make more money for their "men."

Of the 23 murders that occurred in Anchorage in 1982, three of them were directly related to prostitution, police say. In two of the homicides, it was the hooker who killed. In the third, a pimp shot a girl's customer.

Casper said 30 to 40 percent of all the robberies and at least 60 percent of the pickpocketing in Anchorage is related to prostitution and street people on Fourth Avenue.

"We could put a lot of man hours into trying to build a felony theft case against one guy, and get very poor results. Or we could use the same number of officers and drag a few of the prostitutes off the streets and clean it up for a while," he said.

"My theory is to arrest them on loitering charges, and enforce their (probation) restrictions. Let them know Anchorage isn't going to tolerate it. Maybe then they'll leave, and with them the pimps will go, and the crime will go, too."

Most of the women are charged with loitering for purposes of prostitution, a misdemeanor. Because state laws about prostitution are ambiguous, and because a woman will almost always say she works alone, men are seldom arrested, and rarely prosecuted.

In this business, men may pay the money, but the women pay the price.

Joanne Baker, 26, is six months pregnant. She was arrested for soliciting Sunday night. It was her second arrest for prostitution since

coming to Anchorage from Miami last year.

There were no extra beds at the Sixth Avenue Jail Sunday night; she slept on the floor.

Looking haggard as she gazed through the plexiglass window in the visitor's room, Joanne scratched her stringy blonde hair. Her blue eyes were watery and her arms were speckled with small red blotches. She didn't want to talk, especially to a reporter.

She said she turned to selling her body after she couldn't find work as a bar maid. Asked about the weekend sweep, Joanne said, "Police, they told us it was because of Fur Rondy. That's why. That's why they're hitting on us."

And when she gets out on the streets again? "Well, we'll just move to a different area. There's always a different area to go to," she replied.

However, Joanne isn't sure how she is going to make bail. She appeared panicky. She says she has no pimp to fork out the \$300. "I don't know how I'm going to get it. I don't know. I don't know. Maybe, I'll call a friend."

Joanne and 20 other women were arraigned Monday before District Court Judge John D. Mason. They sat in the courtroom chained together.

Most of them were given bail and a court date, with the provision that they no longer sell their wares in the downtown area between Third and Sixth, from D Street to Barrow.

But most of them will. And many will go to jail. For the second, third, even seventh and eighth times.

Scott Sidell, a municipal prosecutor, said he has seen the same faces and names over and over again. Their names and ages are usually phony. But those arrested are all too often teen-agers posing as adults. Girls, posing as women, selling off their childhood bit by bit in exchange for an allowance, or a home, for a man who says he loves them.

It's shortly before midnight and Veronica stood in the doorway of an adult book store. She pulled her rabbit fur coat tighter around her. Her eyes searched for a possible customer. But no one was around.

During a brief conversation, Veronica said she's not worried about the police clampdown on her livelihood. "We'll be trickling back out again. The cops do this a couple of times a year. No big deal."

Standing alone again later, she spotted a man wearing an Army fatigue jacket, walking slowly near the Elbow Room. She waited until he passed right in front of her before she said, "Hey, you want to party?"

Her breath formed a tiny white cloud as she spoke.

They walked quickly together, neither of them speaking.

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

P.O. BOX 809

JUNEAU, ALASKA 99802

586-3650

POSITION PAPER

HB127: An Act to increase the punishment for sexual assault
in the first degree

The Alaska Network on Domestic Violence and Sexual Assault is a non-profit corporation composed of twenty-one programs statewide that provide domestic violence, sexual assault, and adult crisis intervention services to members of their respective communities. Network programs are funded in part through grants and contracts awarded by the Council on Domestic Violence and Sexual Assault.

The Network was established in 1978, and has as one of its primary focuses the elimination of domestic violence and sexual assault through provision of shelter, advocacy, and education/prevention services.

While the Network is supportive of the diligent prosecution of persons charged with sexual assault, it is our strong feeling that a comprehensive, mandatory treatment and rehabilitation program, provided in conjunction with sufficiently lengthy jail terms, most effectively addresses the issues of protecting the victim and facilitating prevention.

Towards that end, the Network would strongly urge the Alaska State Legislature to consider conducting a comprehensive overview of the extent of prosecution, the impact of sentencing, and the quality of rehabilitative treatment in cases of sexual assault.

OCTOBER 1, 1982

FIRST FELONY CONVICTION SECOND FELONY CONVICTION THIRD FELONY CONVICTION

MURDER I	[20] -- 99	[20] -- 99	[20] -- 99
MUR. II & KIDNAP. & M. I. C. S. I	[5] -- 99	[5] -- 99	[5] -- 99
SEXUAL ASSAULT 1st **	5 -- (10) -- 30 HB127 (12)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
SEXUAL ASSAULT 1st	4 -- (8) -- 30 HB127 (10)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
A FELONY **	3 1/2 -- (7) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
A FELONY HB128 ↑	2 1/2 -- (5) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
B FELONY HB117 ↑	0 -- 10	0 -- (4) -- 10	3 -- (6) -- 10
C FELONY	0 -- 5	0 -- (2) -- 5	0 -- (3) -- 5

** APPLIES WHEN A DEFENDANT POSSESSED A FIREARM, USED A DANGEROUS WEAPON OR CAUSED SERIOUS PHYSICAL INJURY EXCEPT FOR MANSLAUGHTER.
 NUMBERS IN (BRACKETS ARE) PRESUMPTIVE SENTENCES. NUMBERS ENCLOSED BY BOXES ARE MANDATORY MINIMUM SENTENCES.
 NUMBERS TO LEFT OF BRACKETS ARE LOWEST MITIGATED SENTENCES. NUMBERS TO RIGHT ARE HIGHEST AGGRAVATED SENTS.

A-
B-
C-

MIKE STARIC
DEAN GUANELI 3460

Comment on

Introduced: 1/26/83
Referred: Health, Education and
Social Services,
Judiciary and Finance

Triette 3384

ask for Dept. Law
& copy of statute as is
and as it will be
BY PESTINGER, COWDERY,
AND BARNES

- ask for
stats on
conviction rate
based on
sentence
length

1 IN THE HOUSE

HOUSE BILL NO. 117

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

6 For an Act entitled: "An Act relating to sexual abuse of a minor."

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

8 * Section 1. AS 11.41.440 is amended to read:

9 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR. (a) A person commits
10 the crime of sexual abuse of a minor in the first degree if, being 16
11 years of age or older, that person [HE]

12 (1) [ENGAGES IN SEXUAL PENETRATION WITH A PERSON WHO IS
13 UNDER 16 YEARS OF AGE BUT 13 YEARS OF AGE OR OLDER OR AIDS, INDUCES,
14 CAUSES OR ENCOURAGES A PERSON UNDER 16 YEARS OF AGE BUT 13 YEARS OF
15 AGE OR OLDER TO ENGAGE IN SEXUAL PENETRATION WITH ANOTHER PERSON;]

16 (2) engages in sexual contact with a person who is under 13
17 years of age or aids, induces, causes or encourages a person under 13
18 years of age to engage in sexual contact with another person; or

19 (3) aids, induces, causes or encourages a person who is
20 under 16 years of age to engage in conduct described in AS 11.41.455-
21 (a)(2) - (6).

22 (b) Sexual abuse of a minor in the first degree is a class B (C)
23 felony.

24 * Sec. 2. AS 11.41 is amended by adding a new section to read:

25 Sec. 11.41.442. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

26 (a) A person commits the crime of sexual abuse of a minor in the
27 second degree if, being 16 years of age or older, that person engages
28 in sexual penetration with a person who is under 16 years of age but
29 13 years of age or older or aids, induces, causes, or encourages a

HB 127

CURRENT STATUTE: ^{FOR A} FIRST FELONY CONVICTION FOR
SEXUAL ASSAULT IN THE FIRST DEGREE, NOT INVOLVING
FIREARMS, SERIOUS PHYSICAL INJURY OR USE OF A DANGEROUS
INSTRUMENT, THE PRESUMPTIVE SENTENCE IS 8 YEARS.
HB 127 CHANGES THE PRESUMPTIVE SENTENCE TO 10 YEARS

FOR THE FIRST FELONY CONVICTION FOR SEXUAL ASSAULT IN
THE FIRST DEGREE INVOLVING A FIREARM, SERIOUS PHYSICAL INJURY
OR USE OF A DANGEROUS INSTRUMENT, THE PRESUMPTIVE SENTENCE
IS 10 YEARS

HB 127 CHANGES THE PRESUMPTIVE SENTENCE TO 12 YEARS

TERMS OF IMPRISONMENT

OCTOBER 1, 1982

FIRST FELONY CONVICTION SECOND FELONY CONVICTION THIRD FELONY CONVICTION

MURDER I	[20] -- 99	[20] -- 99	[20] -- 99
MUR. II & KIDNAP. & M. I. C. S. I	[5] -- 99	[5] -- 99	[5] -- 99
SEXUAL ASSAULT 1st **	5 -- (10) -- 30 (12)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
SEXUAL ASSAULT 1st	4 -- (8) -- 30 (16)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
A FELONY **	3 1/2 -- (7) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
A FELONY	2 1/2 -- (5) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
B FELONY	0 -- 10	0 -- (4) -- 10	3 -- (6) -- 10
C FELONY	0 -- 5	0 -- (2) -- 5	0 -- (3) -- 5

** APPLIES WHEN A DEFENDANT POSSESSED A FIREARM, USED A DANGEROUS WEAPON OR CAUSED SERIOUS PHYSICAL INJURY, EXCEPT FOR MANSLAUGHTER.
 NUMBERS IN (BRACKETS ARE) PRESUMPTIVE SENTENCES. NUMBERS ENCLOSED BY [BOXES] ARE MANDATORY MINIMUM SENTENCES.
 NUMBERS TO LEFT OF BRACKETS ARE LOWEST MITIGATED SENTENCES. NUMBERS TO RIGHT ARE HIGHEST AGGRAVATED SENTS.

TERMS OF IMPRISONMENT

JANUARY 1, 1980 THRU SEPTEMBER 30, 1982

FIRST FELONY
CONVICTION

SECOND FELONY
CONVICTION

THIRD FELONY
CONVICTION

MURDER I	[20] -- 99	[20] -- 99	[20] -- 99
UR. M&KIDNAP.	[5] -- 99	[5] -- 99	[5] -- 99
A FELONY **	3 -- (6) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
A FELONY	0 -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
B FELONY	0 -- 10	0 -- (4) -- 10	3 -- (6) -- 10
C FELONY	0 -- 5	0 -- (2) -- 5	0 -- (3) -- 5

** APPLIES WHEN A DEFENDANT POSSESSED A FIREARM, USED A DANGEROUS WEAPON OR CAUSED SERIOUS PHYSICAL INJURY, EXCEPT FOR MANSLAUGHTER.
 NUMBERS IN (BRACKETS) ARE PRESUMPTIVE SENTENCES. NUMBERS IN [BOXES] ARE MANDATORY MINIMUM SENTENCES.
 NUMBERS TO LEFT OF BRACKETS ARE LOWEST MITTIGATED SENTENCES. NUMBERS TO RIGHT ARE HIGHEST AGGRAVATED SENTS.

BILL NUMBER House Bill No. 127

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES					24718.5	
700 GRANTS, CLAIMS ETC.						
TOTAL	-0-	-0-	-0-	-0-	24718.5	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	24718.5	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

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

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

The current conviction rate for sexual assault in the first degree (rape) is 110 persons per year. Of this number, approximately 90 are first convictions.

House Bill No. 127 increases the presumptive sentence for first felony convictions only. The sentences for second and third convictions are unchanged from existing law. The increase in presumptive sentencing for first time offenders of sexual assault is two years.

It is assumed for purposes of this fiscal note that every offender earns all good time available. One day of good time is earned for every three days served. Therefore the increase in time served by each of the 90 persons convicted would be one and one-half years. This will result in the need for 135 additional bed spaces within the Alaska correctional system.

The impact on the system will not be experienced until six (6) years after passage of the proposed legislation since that is the minimum time served under a presumptive sentence of eight (8) years. Considering the time involved from appropriating funds to completion of buildings, the capital costs are requested

for FY 1987, with a projected date of July 1, 1989, for opening the new facility. The cost for construction is estimated to be \$24,718,500. This is based on an estimated cost per bed of \$183,100 (FY 1985 costs, plus 12% inflation for each of two (2) years) times 135 beds: $135 \times \$183,100 = \$24,718,500$.

No operating costs are identified in the fiscal note as they will not be experienced until FY 1990. Staff positions would be needed at that time, as well as funding for all areas related to the care and custody of the additional inmates.

Staff Report
House bills 117,127,128
January 27, 1983

HB 117:

Under current statute, sexual abuse of a minor under 16 years of age is a class C felony.

As proposed by HB 117:

1. Sexual abuse of a minor under 13 years of age is a offense in the first degree and is a class B felony.

2. Sexual abuse of a minor aged 13 to 16 is sexual abuse in the second degree and is a class C felony.

HB 127:

Under current statute, the first felony conviction for sexual assault in the first degree, not involving firearms, use of a dangerous instrument, or causing serious physical injury requires a presumptive sentence of 8 years. The proposal will change that sentence to 10 years.

Under current statute, the first felony conviction for sexual assault in the first degree involving firearms, a dangerous instrument, or causing serious physical injury requires a presumptive sentence of 10 years. HB 127 changes that sentence to 12 years.

HB 128:

Under current statute, promoting prostitution is a class B felony. HB 128 provides that inducing or causing a person under 16 years of age to engage in prostitution is a class A felony.

Introduced: 1/26/83
Referred: Health, Education &
Social Services, Judiciary
and Finance

BY LINDAUER, HURLBERT, PESTINGER,
TISCHER AND M.W.MILLER

1 IN THE HOUSE

2 HOUSE BILL NO. 127

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to increase the punishment for sexual assault
7 in the first degree."

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

9 * Section 1. AS 12.55.125(i) is amended to read:

10 (i) A defendant convicted of sexual assault in the first degree
11 may be sentenced to a definite term of imprisonment of not more than
12 30 years, and shall be sentenced to the following presumptive terms,
13 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

14 (1) if the offense is a first felony conviction and does
15 not involve circumstances described in (2) of this subsection, ^{- FIREARM, DANGEROUS INSTR. BELOWS} 10
16 [EIGHT] years;

17 (2) if the offense is a first felony conviction, and the
18 defendant possessed a firearm, used a dangerous instrument, or caused
19 serious physical injury during the commission of the offense, 12 [10]
20 years;

21 (3) if the offense is a second felony conviction, 15 years;

22 (4) if the offense is a third felony conviction, 25 years.

H

B

128

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY
FINANCE

1/26/83

Date: _____

Mr. Speaker:

The Committee on HESS has had HB 128

An Act raising the penalties for promoting child prostitution.

under consideration and reports it back as follows:

- do pass 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 Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

Mr. Lester

Mr. W. Miller

Mike Davis

Bob [unclear]

[unclear]

[unclear]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Mr. Lester
CHAIRMAN

The Tragedy of Teenage Prostitution

by FATHER BRUCE RITTER with BOB WEINSTEIN

We must face the shocking facts, says a Catholic priest, and care enough to try to change them.

I am not going to make it. I am going to die out there. The streets are going to kill me." He was 17 years old. We'll call him Louis. He was talking to one of the co-authors of this article, the Reverend Bruce Ritter, a 52-year-old Franciscan priest. Two years ago, Father Ritter started Covenant House. It is a shelter for teenagers, most of them runaways, who roam the sinful streets around Times Square in midtown New York.

Wherever there are large numbers of runaways, teenage prostitution is a fact. The problem is already very bad—and getting worse—in cities such as New York, Los Angeles, Miami, and Houston. But it's not just a big-city problem. Those runaways come from almost every corner of the United States. Fleeing or kicked out of their homes, they come to the cities with dreams of glamor and fun.

The Federal Bureau of Investigation keeps statistics on runaways. Between 600,000 and one million young people run away from home every year, the FBI reports. Not all of these, of course, end up in prostitution. In fact, quite a few return home very soon. But almost all teenage prostitutes start out as runaways.

These teenage runaways cannot get honest work. They have not finished school. Rightly or wrongly, they don't want to go home. Or maybe they don't have a home, or parents, anymore. Or maybe their parents don't want them to come home.

Over the past 18 months, 8,000 homeless young people have come to Covenant House. There, they can get a good night's sleep, eat nourishing meals, and clean up. Perhaps most important of all, they can talk about their lives with the volunteers who work there. Like Louis, who fears "the streets are going to kill me," 60 percent of the young people who show up at Covenant House are involved in prostitution.

At 17, Louis has been a hustler for three years. He didn't finish school and can't write very well. He's an alcoholic. He drinks every day, he says, to try to forget what he has to do to survive. He is a naturally

Few things get Father Ritter to put aside his work for Covenant House—even for a little while. This article was one of them. We are grateful to Father Ritter and to his co-author, Bob Weinstein, a frequent contributor to this magazine.



Teenage runaways head for cities — and ruined lives. Father Ritter fights to save them.

bright person who, maybe, could have led a more "normal" life. But his chances, now, of leading anything like a normal life are just about zero.

What do volunteer workers say to teenagers like Louis who come to Covenant House and similar shelters around the country? The volunteers have only one hope: to try to convince a teenager that he or she has other choices in life. Maybe (a volunteer may suggest) going back home is better than staying

on the streets. But many of these teenagers just can't believe that they can change their lives, that they have any choices at all.

So, they go back on the streets. Hundreds of them have been held prisoner, tortured, raped. Some of them have been murdered. One 16-year-old girl—we'll call her Alice—was held prisoner for a week, after a pimp picked her up in New York's Port Authority Bus Terminal. Alice was drugged, raped repeatedly, but finally escaped. Her pimp found her again and told her he had to have her back. He said he owned her. Besides, Alice was worth thousands of dollars a month to him.

Police have identified about 1,000 pimps in just the New York City midtown area. Each one usually controls between two and four girls like Alice. The prostitute is the "property" of the pimp. Each girl is expected to bring the pimp a certain amount of money a day, usually around \$200. She has to. If she doesn't, a brutal beating is about the best she can hope for.

Prostitution has been called a "victimless crime." That means a crime that doesn't hurt anybody. But that leaves out all the young people who are beaten, tortured, held prisoner. And what about those who are murdered? What about the ones who commit suicide out of hopelessness and desperation?

These are the victims. But who, really, are they? Here are some statistics from Covenant House. Fifty percent of the teenage prostitutes are black; 18 percent are Spanish-speaking; 25 percent are white. The rest are of mixed ethnic backgrounds. Seventy-five percent are boys. The median age of both boys and girls is about 17. Almost one-half of

them are 17 or younger. Nineteen out of 20 come from one-parent families. If they come from two-parent families, there is almost always alcoholism in the family.

Seventy-five percent of teenage prostitutes are children of the poor. Most of them have suffered child abuse. They have either been thrown out or walked out of homes that have broken up, or homes where there seems to be no love or understanding left.

To an experienced pimp, these needs for attention and security are easy to spot—and easy to prey on. A lot of scared young girls, for example, want to believe that the smooth, expensively dressed young men who seem to fall for them really care. The rude awakening often comes when the girl is asked to prove her love by repaying the man for his generosity. She can repay him, he tells her, by selling her body and making money for them both. For her, it can seem like her only option.

Meanwhile, the "sex industry" is booming. And teenage prostitution and pornography, too, get bigger every day. Business has never been better. Why? There are probably just two answers. They are two of the seven deadly sins—greed and lust. There is big money in selling sex. Greed makes people go after that money. The money comes from other people who lust after children and teenagers. And, of course, the greedy ones want to make sure money keeps rolling in. They are for the most part linked to what we know as organized crime. They have a big stake in being deadly efficient—for them, sex is a \$4-billion-dollar-a-year industry. □

Father Bruce Ritter— On Stopping Teenage Prostitution

Senior: With all you've seen—all the pain and suffering—do you think it's possible to end the problem?

Father Ritter: I do. It seems, though, that very few people really want to do anything.

Senior: Do what? You make it sound as if individuals—young individuals—can do something. But is that realistic? What have adults, politicians, the police been able to do?

Ritter: Very little. But I think that's because they've only given lip service to the problem. But they've made little effort to stop it. The problem grows worse every day. But young people can care. Caring is a good way to start. If their sister or brother or close friend were on a street corner, it wouldn't be so hard to care. Caring is the first step in accepting responsibility—for yourself and for others.

Senior: That sounds good. But it also sounds like a lot of other things people have said before about love and caring making things all right....

Ritter: Wait a minute. That's only a beginning. The caring makes people act. And that's what it takes to make them realize they have power.

Senior: What kind of power?

Ritter: The power to put people into office—and to

take them out. Politicians respond to the people who write them—people who care, people who vote. Letters are a good way for your readers to start. And before long, they'll be voting. They can vote against the uncaring politicians and judges and the do-nothing district attorneys.

Senior: But statistics show that not many young people actually vote.

Ritter: I know! That's immoral and irresponsible. I hear young people say that their vote doesn't count. But they don't even try to find out if that's true. They may shake their heads over a problem like teenage prostitution, but they don't try to do anything.

Senior: But why should they really care—about a problem that seems so far away?

Ritter: I thought I already gave them some good reasons. But here's another. Some day, they will have children of their own. And they have to decide if they want those children growing up in a world where young people are bartered like sacks of potatoes. They can't afford to wait until then... until those children are teenagers and maybe thinking of running away. That will be too late. The problem can't be—won't be—stopped overnight. It's going to take time. And the time to start is now. □