

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5239 SHEB SB 1 - SB 7

statutes are enacted is to be collected from the context, from the occasion and necessity of the law, from the mischief felt, and from the objects and remedy in view ... and in passing upon matters of legislative intent and competence, the courts do not merely read the bare end product of the legislative labors, but rather they read the statute in light of the state of facts which were found by the legislature and which prompted the enactment. 11

The mischief which the Legislature sought to remedy was the predetermination of the incapacity of individuals with physical disabilities to serve as jurors. In order to advance the remedy the qualifications of the individual prospective juror, as they relate to an individual case, should be examined.

Juror Qualification

In any case when a prospective juror does not have a sufficient grasp of the English language, or is obviously biased in some way, or is, for any other statutory reason, incompetent to sit on a particular case, a challenge for cause will be granted. Thus, with respect to a disability, the court must determine whether the scope of a disabled person's impairment would preclude him from serving as a reasonable juror or would adversely effect the rights of the litigants.¹²

There is certainly no question that deaf persons are as capable as anyone else of understanding legal jargon or any other technical jargon used by expert witnesses.¹³ The deaf are found in many highly technical professions including medicine, engineering, and the law.¹⁴

Defense counsel argues, in essence, that no deaf person can sit as a reasonable juror since we cannot be sure that the translation by the interpreter is accurate; and that the deaf person will lose words if more than one person speaks at a time; and that the deaf person cannot hear subtle nuances of vocal inflections which are crucial in determining the credibility of any witness; and that the sanctity of the jury deliberations will be violated by the presence of the interpreter; and that the presence of the interpreter will be

consequently, all future appellate courts, are dependent on the English record made by that interpreter. If we do not trust the skills of that person then we have no trial at all.

With respect to the issue of the loss of subtle nuances of vocal inflection -- when the foreign language interpreter translates for a witness no one in the courtroom can evaluate the credibility of that witness based on subtle nuances which are supposed to be so all important to a determination of credibility. Further, there does not seem to be any conclusive authority to support the proposition that it is the perception of subtle inflections in the voice of a witness which leads a juror to a more just or accurate or truer finding of the facts. In fact, usually it is the content of the testimony that the listener believes or disbelieves rather than any inflections, subtle or otherwise. Voices can get louder or softer, break or tremble out of nervousness or anxiety but that is true of the truth teller as well as the liar.

Alec Naiman speaks English well, but he speaks with the flat affect of one who has never heard vocal inflection. However, I never had a problem understanding his meaning or emotion. I understood when he was nervous, angry, guarded, insulted, amused and disappointed. I cannot point to the specific things that sent those signals, but none of them was from the subtle nuances or inflections in his voice. Frankly, I believe that most ordinary people do not have subtle nuances in their vocal inflections. Mostly, such subtlety is reserved for great artists such as Geilgud and Streep and we marvel at their ability to convey so much with so little. They work long, and hard to achieve those subtleties. Further, any such nuances are always open to interpretation. In reality, no juror, whether hearing or deaf, hears everything that should be heard, interprets everything as it is meant to be interpreted, processes everything in the same fashion or reaches a decision in the

parties to the inclusion of cognizable groups in the pool of jurors from which a panel will be drawn. It does not entitle either party to demand the exclusion of any such group.

The Southern District, in United States v. Guzman,²¹ set down standards to be used in determining the existence of a cognizable group.

A group to be 'cognizable' for present purposes must have a definite composition. That is, there must be some factor which defines and limits the group. A cognizable group is not one whose membership shifts from day to day or whose members can be arbitrarily selected. Secondly, the group must have cohesion. There must be a common thread which runs through the group, a basic similarity in attitudes or ideas or experience which is present in members of the group and which cannot be adequately represented if the group is excluded from the jury selection process. Finally, there must be a possibility that exclusion of the group will result in partiality or bias on the part of juries hearing cases in which group members are involved. That is, the group must have a community of interest which cannot be adequately protected by the rest of the populace.²²

The deaf are a cognizable group.

1. The deaf community has a definite and unshifting membership with a characteristic which defines and limits the group; its membership cannot be arbitrarily selected;²³ and
2. The deaf community has members who share a common thread of experience that gives the group cohesion;²⁴ and
3. The deaf have a community of interest which cannot be represented adequately by the rest of the populace. The deaf, like other groups previously found to be cognizable,²⁵ have a life experience which is vastly different from the rest of society and thus it seems unlikely that any other group could represent adequately that interest.²⁶

Historically, the deaf have been viewed and treated as a distinct group separate from and inferior to the rest of society. This is exemplified in the treatment of the deaf with respect to all aspects of their life from education through the imposition of legal disabilities.

a state cannot, consistent with due process, subject a defendant to indictment of trial by a jury that has been selected in an arbitrary and discriminatory manner, in violation of the Constitution and the laws of the United States. Illegal and unconstitutional jury selection procedures cast doubt on the integrity of the whole judicial process ... [t]he exclusion from jury service of a substantial and identifiable class of citizens has a potential impact that is too subtle and too pervasive to admit of confinement to particular issues or particular cases ... [w]hen a large and identifiable segment of the community is excluded from jury service, the effect is to remove from the jury room qualities of human nature and varieties of human experience, the range of which is unknown and perhaps unknowable. It is not necessary to assume that the excluded group will consistently vote as a class in order to conclude, as we do, that its exclusion deprives the jury of a perspective on human events that may have unsuspected importance in any case that may be presented. 35

Furthermore, in Smith v Texas,³⁶ the Court held that any jury selection scheme, although not facially discriminatory, but which "by reason of the wide discretion permissible in the various steps of the plan [may be] applied in such a manner as practically to proscribe any group thought by the law's administrators to be undesirable"³⁷ is unconstitutional.

Thus, to include deaf persons in a jury pool, because exclusion would be contrary to state and federal law, but to challenge every deaf person for cause solely on the basis of deafness, notwithstanding his being otherwise qualified, is to do in the vestibule what could not be done outside the front door. This court cannot and will not assume a posture which circumvents the intent of the Legislature -- a posture which observes the law in form but flouts it in substance.

The Thirteenth Person in the Jury Room

The purpose of the rule precluding persons other than jurors from being in the jury room during deliberations is to protect and guarantee the privacy of the deliberative process, and to prevent the inhibiting effect that such presence would have on vigorous discussion necessary to that process.

In Clark v U.S.,³⁸ the Court explained that the need for privacy

trial by jury."⁴⁸

The answer is no.

The rule which excludes persons other than jurors from the jury room during deliberations in reality pertains to officers of the court such as bailiffs, judges, or counsel. The presence of the signer is a different matter entirely.

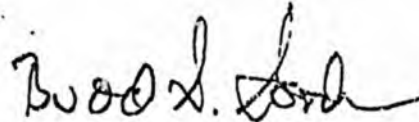
The role of the signer is not that of a participant or an authorized official of the court but is that of a communications facilitator such as a telex or typewriter or telephone or hearing aid or microphone. The 12 jurors and the signer will be made aware by the court of the purely mechanical function of the signer and will have been instructed strongly as to that function, how it is to be carried out and the consequences if such instructions are, in any way, violated.⁴⁹ They will proceed with their individual functions in a good common sense fashion as they do every day in courts all over the nation. We depend on our juries to use their own good common sense in judging cases involving millions of dollars and life and liberty every day. Why should we think them incapable of dealing with so simple an instruction as this? To think them incapable is to exhibit a disdain for the very people and process upon which our entire judicial system is based.

A simple every day reality which cannot be ignored is that the jury panel of which the deaf person is a member and to which the signer is attached will have "lived" together for a number of days before that case ever goes to deliberation. The relationship of the signer to the process will be formed, the functions of all members delineated and adjustments made long before they ever enter the jury room to deliberate. Thus, the deliberative process will be merely an extension of that relationship and will continue as it had before.

Finally, and most importantly, practical experience has shown

cause. However, neither the defense counsel nor any independent examination by this court has disclosed any reason why Alec Naiman should be challenged for cause in this case. The motion is therefore denied.

This constitutes the opinion and decision of this court.



BUDD G. GOODMAN, J.S.C.

Dated: February 17, 1984
New York, N. Y.

or her name excluded from a jury list or jury box on the basis of blindness or physical handicap alone." OR. REV. STAT. §10.030 (2) (1979).

Only four states expressly exclude the sensorially impaired from jury service. ARK. STAT. ANN. §39-102 (Supp. 1979); IOWA CODE ANN. §706.1 (West 1975); N.C. GEN. STAT. §9-3 (Supp. 1979); TENN. CODE ANN. §22-102 (1955).

2. See W. C. Stokoe, SIGN LANGUAGE STRUCTURE (1963).

3. See generally: L. Meyers, The Law And The Deaf 45 (1968); E. Klima and V. Bellizi, The Signs Of Language (1979); Baker and Padden, Paper Focusing On The Nonmanual Components Of ASL; G. Gustason and Zawolkow, Using Signing Exact English In Total Communication.

See note 49 *infra*.

4. N. Y. Judiciary Law §596 (McKinney, 1975) Amendment, eff. Sept. 1, 1983.

5. Lewinson v. Crews, 28 A.D. 2d 111 (2nd Dept. 1967).

6. See *supra* note 1.

7. Memorandum, an act to amend the Judiciary Law, in relation to qualifications for jury duty -- purpose of the bill.

Section 42-501 of the NRA states that the purpose of the Act is to prohibit discrimination on the basis of handicap in any program receiving Federal financial assistance. Section 42.503 states that "[n]o qualified handicapped person shall, solely on the basis of handicap, be excluded from participation in ... any program receiving or benefiting from Federal financial assistance." Federal Register, vol. 45, No. 108, P. 37622, 6/2/80, Rules and Regulations.

In 1982, Charles Peck brought a motion for summary judgment against the County of Alameda to be reimbursed for moneys he had paid to hire a signer to assist him in performing his duty as a juror. See Peck v. Alameda, No. C80-3692 Jell.

The Department of Justice submitted an Amicus Curiae brief in the case which stated that Section 504 was meant to cover the cost of the services of a signer when a deaf juror participated in the jury process. The issue presented was "whether, in order to have the opportunity to function as a juror once chosen to do so, a deaf person is entitled to interpreter services under Section 504." Amicus brief at 14 on file in Judge's chambers. Department of Justice rule 28 C.F.R. Part 62 (see Peck,

Supreme Court of the United States.

15. In order for the presence of the interpreter not to interfere with either the trial or the deliberative process the signer should stand beside and slightly behind the speaker so that the deaf person can easily see both the speaker and the signer.

16. See generally, Deaf Persons In Professional Employment 74, 86-87 (1968).

There are more than 13 million people in the United States with hearing impairments, according to the most recent census of the deaf population, of which approximately 150 thousand live in New York and are consider profoundly deaf. See J. Schein and M. Delk, The Deaf Population Of The United States 132 (1974) [hereinafter cited as 'The Deaf Population']; Due Process: The Deaf And The Blind As Jurors, 17 New England L. Rev. 119 (1981).

17. (1) CALIFORNIA (The Silent News, April 1981) "It just seemed very natural," said Los Angeles Municipal Court Judge Marion Obera who seated the deaf juror under California's recently enacted statute. She observed that neither the deaf person nor his interpreter interferred with or delayed the proceedings,

Deputy Public Defender said that she did not slow or direct the testimony to that juror.

(2) MARYLAND (6/21/82) Juror in Montgomery County Circuit Court used an oral interpreter; the interpreter mouthed the words at a normal rate of speed.

(3) COLORADO (Gazette Telegraph, 1982) Fourth Judicial District Judge Joe Cannon. The juror was seated under Colorado's new legislation which says that "[n]o person shall be deemed to be incapable of jury service solely because of impaired vision or hearing in any degree."

(4) ORECON (Washington Post, 10/22/83) Portland, Multnomah County Circuit Court.

(5) TEXAS Judge Randell Riley stated in conversation with my Law Clerk, that after the novelty of the presence of an interpreter wore off, there was absolutely no problem, no disruption at all in court or during deliberations. etc

extended the Sixth Amendment guarantees to the states); Apodaca v. Oregon, 406 U.S. 404 (1972); and Taylor v. Louisiana, 417 U.S. 522 (1975).

See generally: Cross-Sectionalism In Jury-Selection Procedures After Taylor v. Louisiana, 43 TENN. L. REV. 1, 7-82 (1975).

See also, Saltsburg & Powers, Peremptory Challenges And The Clash Between Impartiality And Group Representation, 41 MD. L. REV. 337, 359; Limiting The Peremptory Challenge: Representation Of Groups On Petit Juries, 86 Yale Law Journal 1715, 1716 (1977); People v. McCray, 84 A.D. 2d 769, aff'd. 57 N.Y. 2d 542 (1982); cert. denied McCray v. New York 416 U. S. (1983).

21. 337 F. Supp. 140 (age not a basis for finding a cognizable group). Groups which have been found to be "cognizable" are those which are defined by race, (see e.g. Smith, supra note 19), ethnic or national origins (see e.g. Hernandez, supra note 19), sex (see e.g. Taylor, supra note 19), economic status (see e.g. Thiel, supra note 19), and education (see e.g. U. S. v. Butera, 420 F 2d 564, 571 (1970). Since Duncan extended the Sixth Amendment right to the states, the same cross-sectional mandate applies to both civil and criminal cases.

22. Id. at 143-44, see also U. S. v. Greenberg, 200 F. Supp. 382 (S. D. N. Y. 1961); Duran v. Missouri, 439 U. S. 357 (1979).

23. Guzman at 143-44.

24. Id.

25. Id.

26. Id.

27. See Taylor, 417 U. S. 522 (1975).

28. Mark 9:17

See generally, Glass, Deafness And Its Effects: Educational And Psychosocial Aspects Of Deafness 66 (R. Hardy & J. Cullis, eds. 1974).

29. Black's Law Dictionary, 1098 (5th Ed. 1979).

30. Jesse Jackson, Presidential Candidate, Campaign of 1984.

31. Taylor, supra note 19 at 535.

WHAT YOU NEED TO KNOW FOR JURY DUTY 1-2 (1968), in which an experienced California juror advises:

It may come as a surprise to you that this blunt summons is an honor. It may give you a hunted feeling, but it is, nonetheless, a privilege and a distinction. If you think about it, you will probably discover you feel ennobled ... First of all, the summons is recognition that you are a citizen of the United States: The jury system is one means of operating a government 'of the people'. Through it the people share in judicial power, just as by voting for a constitutional amendment they take part in making the laws. Second, being called to jury service is recognition that you are a resident in good standing of the community in which you live.

See contra: Bailey v. States, 215 ARK. 53, 61 S. W. 2d 424 (1949); Goldblatt v. Board of Ed., 52 Misc. 2d 238, 275 N. Y. S. 2d 550 (1966) (Where the Courts, following Fay, 322 U. S. at 277 held that jury service is a duty for men that required their participation but a privilege for women which could be exercised at their option.) It should be noted that it took Arkansas at least twenty years to change that situation. To this day, Arkansas has a statute which disqualifies deaf persons while other more enlightened states have proceeded to change their statutory language either to disallow the per se exclusion of perceptually handicapped people or to structure them in such a way as to allow courts on a case by case basis to consider the qualifications of individuals as they come before the court. In Carter v. Jury Commission of Green County, 396 U. S. 320, 330 (1970), Mr. Justice Stewart said that "[w]hether jury service be deemed a right, a privilege, or a duty, the state may no more extend it to some of its citizens and deny it to others ... than it may invidiously/in offering and withholding of the elective franchise." This statement equates jury service with voting which is a fundamental right and does not exclude the possibility that jury service is a right. Thus, the Supreme Court has indicated that those who have been excluded from the jury pool have the right to bring suit and a right not to be excluded which is as strong as the right to vote.

35. Id. at 502-504.

It is interesting to note that from Kiff, Theil, Taylor and Duncan, it becomes clear that the Equal Protection of citizens to sit on juries is not in conflict with

48. Dickworth, 650 F. 2d at 125.

49. At the commencement of the proceedings the signer should be instructed to transmit verbatim everything that is said and to offer no opinions or other utterances during the trial except to transmit to the deaf juror the exact words which are spoken by the participants according to the Code of Ethics. Prior to the sequestration of the jury, the signer should be instructed that his/her only function in the jury room will be to facilitate communications and that (s)he must not counsel, advise, or interject personal opinions or participate in any way other than as a transmitter of the spoken word. The court should instruct the jury and the signer that if the signer communicates with the jurors in any way other than as directed by the court, the jury must cease their deliberations immediately and so inform the court. A violation of the court's instruction in this respect may subject the signer and/or jurors to criminal charges under P. L. §215.25 and under Judiciary Law §750.

50. See supra note 16.

ALASKA COURT SYSTEM
SB 1 - RIGHTS OF PHYSICALLY AND MENTALLY
AND DISABLED PERSONS

FISCAL IMPACT

This legislation allows physically and mentally disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. Providing interpreters for deaf persons will impact the Court's contractual budget. The other aspects of the legislation will not impact the Court.

Historically, six to eight percent of all eligible persons are required to perform jury duty. The Center for Deaf Adults estimates that between 250 and 300 deaf individuals would be eligible for jury duty. The Center estimates that 200 are located in Anchorage, 10 are in Juneau, and 10 are in Fairbanks. The remainder live outside urban areas. To be eligible for jury service, the deaf juror would have to be proficient in the use of sign language. Each deaf juror would require an interpreter for all activities in the court.

Based on past experience, it is estimated that approximately fourteen deaf individuals could be called for service in a year. Based on probabilities of jury service for 1986, it is projected that thirteen of the jurors would be called for service in Anchorage and the other juror would be called in either Fairbanks or Juneau. Qualified interpreters are available in these locations.

Interpreter fees are estimated to cost \$4,600 per year.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST:

Bill Version: SB 1
Publish Date:

Revision Date:
Title: Rights of physically and mentally disabled persons
Sponsor: Duncan & Fischer
Requestor:

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
	OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Personal Services
Travel
Contractual		4.6	4.6	4.6	4.6	4.6
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING		0.0	4.6	4.6	4.6	4.6	4.6
CAPITAL		. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
REVENUE		. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

FUNDING:		(Thousands of Dollars)					
General Funds	0.0	4.6	4.6	4.6	4.6	4.6	4.6
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	4.6	4.6	4.6	4.6	4.6	4.6

POSITIONS:							
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Robert G. Fisher, Fiscal Officer
Division: Alaska Court System
Approved by: *Stephanie J. Cole*
Agency: Alaska Court System

Phone: 264-8215
Date: 2-24-87
Date: 2-24-87

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2/24/87

Original sponsors: Duncan, Szymanski,
Uehling and Sturgulewski

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 1 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of physically and
7 mentally disabled persons."

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

9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:

10 (b) A person is not disqualified from serving as a juror solely
11 because of the loss of hearing or sight in any degree or a disability
12 that substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.

16 * Sec. 2. AS 09.65 is amended by adding a new section to read:

17 Sec. 09.65.150. DUTY TO DISABLED PEDESTRIANS. (a) The driver
18 of a vehicle approaching a physically disabled pedestrian who is
19 carrying a white or metallic-colored cane, or using special equipment
20 for mobility, or using a service animal, shall take precautions neces-
21 sary to avoid injury to the pedestrian or the service animal. A
22 driver who fails to take necessary precautions and, as a result,
23 causes injury to the pedestrian or the service animal is liable in
24 damages for the injury caused.

25 (b) In this section

26 (1) "physically disabled pedestrian" means a person who has
27 a physical condition that limits the person's ability to function as a
28 pedestrian without the assistance of another person, a service animal,
29 a cane, or other equipment or device;

1 (2) "service animal" means a dog guide or other animal that
2 assists a physically disabled person to function as a pedestrian.

3 * Sec. 3. AS 11.76 is amended by adding a new section to read:

4 Sec. 11.76.130. INTERFERENCE WITH RIGHTS OF DISABLED PERSON.

5 (a) A person commits the crime of interference with the rights of a
6 disabled person if the person prevents or restricts

7 (1) a physically or mentally disabled person from having
8 full and free pedestrian use of a street, highway, sidewalk, walkway,
9 or other thoroughfare, to the same extent that any other person has a
10 right to pedestrian use; or

11 (2) a physically disabled person from being accompanied or
12 assisted by a certified service animal, without an extra charge for
13 the service animal, in a common carrier, place of public accommoda-
14 tion, or other place to which the general public is invited, except as
15 provided in (b) of this section.

16 (b) A physically disabled person who is accompanied or assisted
17 by a certified service animal in a common carrier, place of public
18 accommodation, or other place to which the general public is invited,
19 is liable for property damage done by the animal.

20 (c) In this section

21 (1) "certified service animal" means an animal trained to
22 assist a physically disabled person and certified by a school or
23 training facility for service animals as having completed such train-
24 ing;

25 (2) "physically or mentally disabled" has the meaning given
26 in AS 18.80.300.

27 (d) Interference with the rights of a disabled person is a class
28 B misdemeanor.

29 * Sec. 4. AS 12.55.155(c)(22) is amended to read:

1 (22) the defendant knowingly directed the conduct consti-
2 tuting the offense at a victim because of that person's race, sex,
3 color, creed, physical or mental disability, ancestry, or national
4 origin;

5 * Sec. 5. AS 18.80.050 is amended by adding a new subsection to read:

6 (b) The commission shall adopt regulations relating to dis-
7 crimination because of physical and mental disability. The regula-
8 tions shall furnish guidance concerning the circumstances under which
9 it is necessary to make a reasonable accommodation for a physically or
10 mentally disabled person when providing employment, financing or
11 credit, public accommodations, the sale or rental of real property, or
12 other goods, services, facilities, advantages, or privileges under
13 this chapter.

14 * Sec. 6. AS 18.80.060(a) is amended to read:

15 (a) In addition to the other powers and duties prescribed by
16 this chapter the commission shall

17 (1) appoint an executive director approved by the governor;

18 (2) hire other administrative staff as may be necessary to
19 the commission's function;

20 (3) exercise general supervision and direct the activities
21 of the executive director and other administrative staff;

22 (4) accept complaints under AS 18.80.100;

23 (5) study the problems of discrimination in all or specific
24 fields of human relationships, and foster through community effort or
25 goodwill, cooperation and conciliation among the groups and elements
26 of the population of the state, and publish results of investigations
27 and research as in its judgment will tend to eliminate discrimination
28 because of race, religion, color, national ancestry, physical or
29 mental disability [HANDICAP], age, sex, marital status, changes in

1 marital status, pregnancy or parenthood;

2 (6) make an overall assessment, at least once every three
3 years, of the progress made toward equal employment opportunity by
4 every department of state government; results of the assessment shall
5 be included in the annual report made under AS 18.80.150.

6 * Sec. 7. AS 18.80.200 is amended to read:

7 Sec. 18.80.200. PURPOSE (a) It is determined and declared as
8 a matter of legislative finding that discrimination against an inhabi-
9 tant of the state because of race, religion, color, national origin,
10 age, sex, physical or mental disability, marital status, changes in
11 marital status, pregnancy or parenthood is a matter of public concern
12 and that this discrimination not only threatens the rights and privi-
13 leges of the inhabitants of the state but also menaces the institu-
14 tions of the state and threatens peace, order, health, safety and
15 general welfare of the state and its inhabitants.

16 (b) Therefore, it is the policy of the state and the purpose of
17 this chapter to eliminate and prevent discrimination in employment, in
18 credit and financing practices, in places of public accommodation, in
19 the sale, lease, or rental of real property because of race, religion,
20 color, national origin, sex, age, physical or mental disability,
21 marital status, changes in marital status, pregnancy or parenthood.
22 It is also the policy of the state to encourage and enable physically
23 and mentally disabled persons to participate fully in the social and
24 economic life of the state and to engage in remunerative employment.
25 It is not the purpose of this chapter to supersede laws pertaining to
26 child labor, the age of majority or other age restrictions or require-
27 ments.

28 * Sec. 8. AS 18.80.210 is amended to read:

29 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain

1 employment, credit and financing, public accommodations, housing
2 accommodations and other property without discrimination because of
3 sex, physical or mental disability, marital status, changes in marital
4 status, pregnancy, parenthood, race, religion, color or national
5 origin is a civil right.

6 * Sec. 9. AS 18.80.220(a) is amended to read:

7 (a) It is unlawful for

8 (1) an employer to refuse employment to a person, or to bar
9 a person from employment, or to discriminate against a person in
10 compensation or in a term, condition, or privilege of employment
11 because of the person's race, religion, color or national origin, or
12 because of the person's age, physical or mental disability [HANDICAP],
13 sex, marital status, changes in marital status, pregnancy or parent-
14 hood when the reasonable demands of the position do not require dis-
15 tinction on the basis of age, physical or mental disability [HANDI-
16 CAP], sex, marital status, changes in marital status, pregnancy or
17 parenthood;

18 (2) a labor organization, because of a person's sex, mari-
19 tal status, changes in marital status, pregnancy, parenthood, age,
20 race, religion, physical or mental disability, color or national
21 origin, to exclude or to expel a person from its membership, or to
22 discriminate in any way against one of its members or an employer or
23 an employee;

24 (3) an employer or employment agency to print or circulate
25 or cause to be printed or circulated a statement, advertisement, or
26 publication, or to use a form of application for employment or to make
27 an inquiry in connection with prospective employment, which expresses,
28 directly or indirectly, a limitation, specification or discrimination
29 as to sex, physical or mental disability, marital status, changes in

1 marital status, pregnancy, parenthood, age, race, creed, color or
2 national origin, or an intent to make the limitation, unless based
3 upon a bona fide occupational qualification;

4 (4) an employer, labor organization or employment agency to
5 discharge, expel or otherwise discriminate against a person because
6 the person has opposed any practices forbidden under AS 18.80.200 -
7 18.80.280 or because the person has filed a complaint, testified or
8 assisted in a proceeding under this chapter;

9 (5) an employer to discriminate in the payment of wages as
10 between the sexes, or to employ a female in an occupation in this
11 state at a salary or wage rate less than that paid to a male employee
12 for work of comparable character or work in the same operation, busi-
13 ness or type of work in the same locality; or

14 (6) a person to print, publish, broadcast or otherwise
15 circulate a statement, inquiry or advertisement in connection with
16 prospective employment that expresses directly, a limitation, speci-
17 fication or discrimination as to sex, physical or mental disability,
18 marital status, changes in marital status, pregnancy, parenthood, age,
19 race, religion, color or national origin, unless based upon a bona
20 fide occupational qualification.

21 * Sec. 10. AS 18.80.230 is amended to read:

22 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-
23 DATION. It is unlawful for the owner, lessee, manager, agent or
24 employee of a public accommodation

25 (1) to refuse, withhold from or deny to a person any of its
26 services, goods, facilities, advantages or privileges because of sex,
27 physical or mental disability, marital status, changes in marital
28 status, pregnancy, parenthood, race, religion, color or national
29 origin;

1 (2) to publish, circulate, issue, display, post or mail a
2 written or printed communication, notice or advertisement that states
3 or implies

4 (A) that any of the services, goods, facilities,
5 advantages or privileges of the public accommodation will be
6 refused, withheld from or denied to a person of a certain race,
7 religion, sex, physical or mental disability, marital status,
8 color or national origin or because of pregnancy, parenthood, or
9 a change in marital status, or

10 (B) that the patronage of a person belonging to a
11 particular race, creed, sex, marital status, color or national
12 origin or who, because of pregnancy, parenthood, physical or
13 mental disability, or a change in marital status, is unwelcome,
14 not desired or solicited.

15 * Sec. 11. AS 18.80.240 is amended to read:

16 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL
17 PROPERTY. It is unlawful for the owner, lessee, manager or other
18 person having the right to sell, lease or rent real property

19 (1) to refuse to sell, lease or rent the real property to a
20 person because of sex, marital status, changes in marital status,
21 pregnancy, race, religion, physical or mental disability, color or
22 national origin; however, nothing in this paragraph prohibits the
23 sale, lease or rental of classes of real property commonly known as
24 housing for "singles" or "married couples" only;

25 (2) to discriminate against a person because of sex, mari-
26 tal status, changes in marital status, pregnancy, race, religion,
27 physical or mental disability, color or national origin in a term,
28 condition or privilege relating to the use, sale, lease or rental of
29 real property; however, nothing in this paragraph prohibits the sale,

1 lease or rental of classes of real property commonly known as housing
2 for "singles" or "married couples" only;

3 (3) to make a written or oral inquiry or record of the sex,
4 marital status, changes in marital status, race, religion, physical or
5 mental disability, color or national origin of a person seeking to
6 buy, lease or rent real property;

7 (4) to offer, solicit, accept, use or retain a listing of
8 real property with the understanding that a person may be discrimin-
9 ated against in a real estate transaction or in the furnishing of
10 facilities or sources in connection therewith because of a person's
11 sex, marital status, changes in marital status, pregnancy, race,
12 religion, physical or mental disability, color, national origin or
13 age;

14 (5) to represent to a person that real property is not
15 available for inspection, sale, rental, or lease when in fact it is so
16 available, or to refuse to allow a person to inspect real property
17 because of the race, religion, physical or mental disability, color,
18 national origin, age, sex, marital status, change in marital status or
19 pregnancy of that person or of any person associated with that person;

20 (6) to engage in blockbusting;

21 (7) to make, print or publish, or cause to be made, printed
22 or published, any notice, statement or advertisement, with respect to
23 the sale or rental of real property that indicates any preference,
24 limitation, or discrimination based on race, color, religion, physical
25 or mental disability, sex, or national origin, or an intention to make
26 the preference, limitation or discrimination.

27 * Sec. 12. AS 18.80.250(a) is amended to read:

28 (a) It is unlawful for a financial institution or other commer-
29 cial institution extending secured or unsecured credit, upon receiving

1 an application for financial assistance or credit for the acquisition,
2 construction, rehabilitation, repair or maintenance of a housing
3 accommodation or other property or services, or the acquisition or
4 improvement of unimproved property, or upon receiving an application
5 for any sort of loan of money, to permit one of its officials or
6 employees during the execution of the official's or the employee's
7 duties

8 (1) to discriminate against the applicant because of sex,
9 physical or mental disability, marital status, changes in marital
10 status, pregnancy, parenthood, race, religion, color or national
11 origin in a term, condition or privilege relating to the obtainment or
12 use of the institution's financial assistance or credit, except to the
13 extent of a federal statute or regulation applicable to a transaction
14 of the same character;

15 (2) to make or cause to be made a written or oral inquiry
16 or record of the sex, physical or mental disability, marital status,
17 changes in marital status, pregnancy, parenthood, race, religion,
18 color or national origin of a person seeking the institution's finan-
19 cial assistance or credit, unless the inquiry is for the purpose of
20 ascertaining the creditor's rights and remedies applicable to the
21 particular extension of credit and is not made or used in order to
22 discriminate in a determination of creditworthiness;

23 (3) to refuse to extend credit, issue a credit card or make
24 a loan to a married person or a person with a physical or mental
25 disability, who is otherwise creditworthy, if so requested by the
26 person;

27 (4) to refuse to issue a credit card to a married person in
28 that person's name, if so requested by the person, provided, however,
29 that the person so requesting a card may be required to open an

1 account in that name.

2 * Sec. 13. AS 18.80.255 is amended to read:

3 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
4 SUBDIVISIONS. It is unlawful for the state or any of its political
5 subdivisions

6 (1) to refuse, withhold from or deny to a person any local,
7 state or federal funds, services, goods, facilities, advantages or
8 privileges because of race, religion, sex, color or national origin;

9 (2) to publish, circulate, issue, display, post or mail a
10 written or printed communication, notice or advertisement that states
11 or implies that any local, state or federal funds, services, goods,
12 facilities, advantages or privileges of the office or agency will be
13 refused, withheld from or denied to a physically or mentally disabled
14 person or a person of a certain race, religion, sex, color or national
15 origin or that the patronage of a physically or mentally disabled
16 person or a person belonging to a particular race, creed, sex, color
17 or national origin is unwelcome, not desired or solicited; it is not
18 unlawful to post notice that facilities to accommodate the physically
19 or mentally disabled are not available;

20 (3) to refuse or deny to a person any local, state, or
21 federal funds, services, goods, facilities, advantages or privileges
22 because of physical or mental disability.

23 * Sec. 14. AS 18.80.300 is amended by adding new paragraphs to read:

24 (15) "major life activities" means functions such as caring
25 for one's self, performing manual tasks, walking, seeing, hearing,
26 speaking, breathing, learning, and working;

27 (16) "physical or mental disability" means

28 (A) a physical or mental impairment that substantially
29 limits one or more major life activities,

1 (B) a history of, or a misclassification as having, a
2 mental or physical impairment that substantially limits one or
3 more major life activities; or

4 (C) having

5 (i) a physical or mental impairment that does not
6 substantially limit a person's major life activities but
7 that is treated by the person as constituting such a limita-
8 tion;

9 (ii) a physical or mental impairment that sub-
10 stantially limits a person's major life activities only as a
11 result of the attitudes of others toward the impairment; or

12 (iii) none of the impairments defined in this
13 paragraph but being treated by others as having such an
14 impairment;

15 (D) a condition that may require the use of a prosthe-
16 sis, special equipment for mobility or service animal;

17 (17) "physical or mental impairment" means

18 (A) physiological disorder or condition, cosmetic
19 disfigurement, or anatomical loss affecting one or more of the
20 following body systems: neurological, musculoskeletal, special
21 sense organs, respiratory including speech organs, cardiovascu-
22 lar, reproductive, digestive, genito-urinary, hemic and lymph-
23 atic, skin, and endocrine; or

24 (B) mental or psychological disorder, including mental
25 retardation, organic brain syndrome, emotional or mental illness,
26 and specific learning disabilities.

27 * Sec. 15. AS 18.06 and AS 18.80.300(11) are repealed.
28
29

SB

2

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of _____ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/19/87

DATE TURNED INTO OFFICE _____

Mr. President:

_____ HESS _____ Committee considered S. _____

relating to deadlines for action on funding of public education; efd.

and recommended:

[] replace with CS _____ [] same title
[] attached amendment(s) and [] new title

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted and attached

** Committee [] attached or [] adopted fiscal note(s)
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Lloyd Jones

Joe Amey

Rich Halford

* HESS 4 DP

TO FIN

Φ EN published 2/2/87

Paul Frick Do Pass
Chairman signature and recommendation

[x] Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: SB-2
Publish Date: _____

REQUEST: _____
Revision Date: _____
Title: ...deadlines for action on
funding of public education...
Sponsor: Senator Abood
Requestor: Senate HESS

Agency Affected: Education
BRU: K-12, Debt Retirement
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The bill has no fiscal impact on this department.

Prepared by: Steve Hole
Division: Commissioner's Office

Phone: 465-2800
Date: January 23, 1987

Approved by Commissioner: Marshall L. Lind
Agency: Education

Date: January 23, 1987

Distribution (by preparer):

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

COMMITTEE BILL FILE WORK-UP ON:

Bill #: SB2 Ed Funding Deadlines
Sponsor: Aboud
Room #: _____ Phone #: 4714

- 1/23 1 Receive Original Bill and Log In.
- 1/23 2 Duplicate Work Copies for Committee File and Senator's File.
- 1/23 3 File Original Bill in Special Locking File.
- 1/23 4 Set-Up Weekly Schedule of Hearings (2 Weeks in Advance if possible).
- 1/23 5 Notify Senate Secretary (5 Day Rule Applies - Allows Time to Get it Printed in Journal). A Copy of the Committee Agenda is Sufficient. *Londi*
- _____ 6 Move Work File to "Active" File Drawer.
- _____ 7 Notify the Following Persons of the Hearing Date:

1/23 Committee Members Aboud 4714 Department Ed Steve Holy
 _____ Liaisons _____

 Bill Sponsor _____ Governor _____
 _____ If Necessary _____

- 1/22 (Only) 8 Request Back-Up Information from Bill Sponsor As Soon As Possible.
- 1/22 " 9 Request Witness Roster of Persons the Sponsor Has Notified or Desires to Have Notified. *Position Papers from NEA, Sch Bd's Bob Green etc. Not attending. (Darla)*
- 1/23 (Ed) 10 If First Committee of Referral, Request Fiscal Note from Pertinent Department Liaison(s) for each bill change (ie. SS, CS etc) - (5 Day Rule Applies).
Randall
- _____ 11 If Necessary, Prepare or Request Sectional Analysis from Legal (3867) when pertinent for each change (ie. SS, CS etc). This is Pretty Much a Judgement Call.
- _____ 12 Research and Prepare Back-Up Material as Necessary.
- _____ 13 Prepare Committee Files (8 Copies: 1 ea for: Committee Members, Committee Aide, Senate Pool Secretary).
- _____ 14 Prepare 10-15 Copies of All Documents to Hand Out to Public During the Hearing (ie. Bill, Short Synopsis, Others at Sponsor's Request).
- _____ 15 Distribute Committee Agenda (Schedule).
- _____ 16 If Requested, Provide Files As Soon As Possible On the Day of the Hearing. Otherwise, Provide the Files at the Beginning of the Hearing in the Committee Room.

1/30 to Senate Secretary - Passed Out

WITNESS ROSTER WORK SHEET

SB 2 - Deadline for Ed Funding 1/30/87
 Bill # Title Date of Hearing

1. Name: Bob Cooksey
 Address: NEA AK Phone #: _____
 Representing: _____ Title: _____
2. Name: Bob Green
 Address: _____ Phone #: _____
 Representing: Sch. Board Rep. Title: _____
3. Name: Bill Miles
 Address: _____ Phone #: _____
 Representing: Arch Sch Dist Title: _____
4. Name: Dorothy Jones
 Address: _____ Palmer Phone #: _____
 Representing: Mat-Su Borough Title: _____
5. Name: _____
 Address: _____ Phone #: _____
 Representing: _____ Title: _____
6. Name: _____
 Address: _____ Phone #: _____
 Representing: _____ Title: _____
7. Name: _____
 Address: _____ Phone #: _____
 Representing: _____ Title: _____
8. Name: _____
 Address: _____ Phone #: _____
 Representing: _____ Title: _____
9. Name: _____
 Address: _____ Phone #: _____
 Representing: _____ Title: _____
10. Name: _____
 Address: _____ Phone #: _____
 Representing: _____ Title: _____
11. Name: _____
 Address: _____ Phone #: _____
 Representing: _____ Title: _____
12. Name: _____
 Address: _____ Phone #: _____
 Representing: _____ Title: _____

SECTIONAL ANALYSIS FOR SB 2

"An Act relating to deadlines for action on funding of public education; and providing for an effective date."

SECTION 1 - Adds language which would set a deadline, of March 16, for passage of an education budget for the next fiscal year, including funds for the school construction account.

SECTION 2 - Changes the date from April 1 to April 15 for the borough school board to submit the following fiscal year's school budget to the borough assembly.

SECTION 3 - Adds language which would set a deadline, of March 16, for passage of an education budget for the school foundation account.

SECTION 4 - Includes, as a responsibility of the legislature, the appropriation of money for public education no later than March 16 for the following fiscal year.

SECTION 5 - Effective date of July 1, 1987.

BASIS

A/R Alaska Statute

A 14.11.100(C)

A 14.14.060(C)

A 14.17.225(B)

A 37.07.030

Statutes Modified by SB 2

A/R Alaska Statute

A/R Alaska Statute

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU			BWD	FWD		FIRST	LAST	QUIT

Municipality of Anchorage

MEMORANDUM

D for
SB 2
(signature)

DATE: January 27, 1987
TO: Senator Mitch Abood
FROM: Assembly Budget Analyst
SUBJECT: SB 2

Thank you for the opportunity to address your committee on SB 2. As we discussed during the drafting phase, I believe this relatively minor change in the law will greatly aid our school district in their budgetary process and will have little deleterious effect on the Municipality's setting of the tax levy. In short I believe this is a positive step which will make government more efficient.

I have included a copy of the chart (which we referenced early) showing the various budgetary milestones and fiscal years which are influenced by SB 2. It is apparent from the graphic presentation that any action by the legislature to make the school funding allocation decision earlier aids the whole process. Of course, the principle benefit is to the school district; however, as I mentioned earlier, the fifteen-day shift would have little impact on the Municipal government budgeting process.

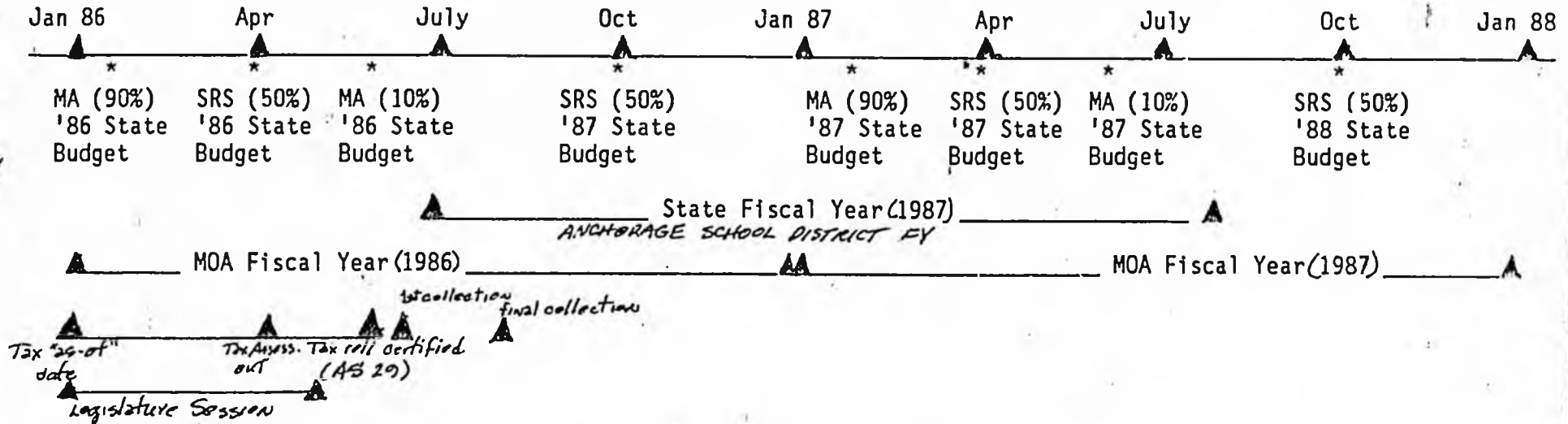
Respectfully submitted,

(Signature)
Joe Griffith, Jr.

1 Attachment
Graphic display of Municipal budget process.

RECEIVED
JAN 29 1986

MUNICIPAL BUDGET



Municipal Assistance (MA) payments received in February and June. MOA receives payment in the same numbered fiscal year as the State budget appropriating the funds. February payment is approximately 90% of the appropriated amount. Remainder in June subsequent to State receipt of data from all communities.

State Revenue Sharing (SRS) payments received in April and October of each year. From the State perspective, the first payment each fiscal year occurs in October and the second in April. Current State procedures (new for the State FY87 budget) evenly divides the appropriation between the two payments. Due to the overlapping fiscal years, each MOA fiscal year contains a Revenue Sharing payment from two State appropriations. The State Budget is generally passed in May.

Jan 30, 1987	Delivery of budget materials to School Board
Feb 2-6, 1987	Delivery of budget materials to: Budget Advisory Commission Schools and Departments Municipality of Anchorage Employee Bargaining Groups Libraries
Feb 3-12, 1987	Public Hearings on Preliminary Financial Plan Feb 3 (Tuesday) - 1st Hearing Feb 5 (Thursday) - 2nd Hearing Feb 10 (Tuesday) - 3rd Hearing Feb 12 (Thursday) - 4th Hearing
Feb 17, 1987	First School Board Reading (Tuesday)
Feb 24, 1987	Final Reading and Approval (Tuesday)
Feb 25-March 24	Revision of Preliminary Financial Plan (similar process to that of Jan 12 - Jan 31, 1987)
March 25-26, 1987	Printing of Proposed Financial Plan, Financial Plan Summary, and related budget materials
March 27, 1987	Delivery of Proposed Financial Plan, etc. to Municipal Assembly
April 1987	Municipal Assembly review, public hearings, and approval
May-June 1987	Revisions to Proposed Financial Plan expenditure budgets and revenue budget Preparation of Adopted Financial Plan
July-August 1987	Printing and distribution of Adopted Financial Plan

WITNESS LIST

SB 2 "An Act relating to deadlines for action on funding of public education; and providing for an effective date."

Lee Sharp, Matanuska-Susitna Borough Attorney	745-9682
Bob Greene, Association of Alaska School Boards	586-1083
Bob Manners, National Education Association	586-3090
Joe Griffith, Municipality of Anchorage, Budget Analyst	264-4750
Dorothy Jones, Mayor, Matanuska-Susitna Valley	745-9682
Tom Freeman, Anchorage School District	333-9561

Municipality
of
Anchorage



P.O. BOX 6650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4311

ANCHORAGE ASSEMBLY

RECEIVED
DEC 09 1986

December 4, 1986

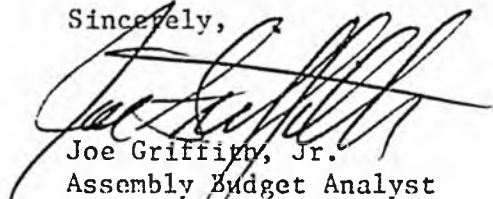
Senator Mitch Abood
Senate District G-A
1024 W. 6th Avenue
Anchorage, AK 99501

Dear Senator Abood:

It was my pleasure to work with you on the revision of Title 14. I believe the document you have drafted will do much to solve various school district's difficulties; however, it may be difficult to get it through the Legislature.

Best of luck in the upcoming session and do not hesitate to call on me if I can be of further service.

Sincerely,


Joe Griffith, Jr.
Assembly Budget Analyst

JG:jn

Municipality of Anchorage

MEMORANDUM

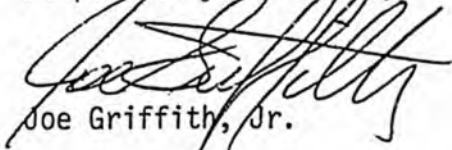
D for
SB 2
(initials)

DATE: January 27, 1987
TO: Senator Mitch Abood
FROM: Assembly Budget Analyst
SUBJECT: SB 2

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I have included a copy of the chart (which we referenced early) showing the various budgetary milestones and fiscal years which are influenced by SB 2. It is apparent from the graphic presentation that any action by the legislature to make the school funding allocation decision earlier aids the whole process. Of course, the principle benefit is to the school district; however, as I mentioned earlier, the fifteen-day shift would have little impact on the Municipal government budgeting process.

Respectfully submitted,


Joe Griffith, Jr.

1 Attachment
Graphic display of Municipal budget process.

RECEIVED
JAN 29 1986

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

December 2, 1986

Mitch Abood, Senator
1024 West 6th Avenue
Room 110
Anchorage, AK 99501

Dear Senator Abood:

I have received the draft legislation you sent me relative to establishing a deadline for legislative action on state funding of public education.

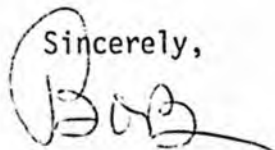
The draft looks fine to me with one apparent omission. I was under the impression that we were also going to consider moving the date contained in A.S. 14.14.060(c) to April fifteen instead of April one. I also recall that we discussed the language in that same section to read, ...for approval of the local effort. [total amount].

It was sort of my recollection that the Mat-Su folks thought that was O.K. Lee Sharp gave me that impression, anyway.

If this complicates anything, let me know.

Thank you again for your efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob", written over a circular stamp or mark.

Robert C. Greene
Executive Director

Alaska State Legislature

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4747



CHAIRMAN
STATE AFFAIRS
MEMBER
BUDGET & AUDIT
TRANSPORTATION

Senator Mitch Abood
SENATE DISTRICT G-A

November 20, 1986

Mr. Bob Cooksey
NEA-Alaska
147 S Franklin #407
Juneau, AK 99801

Dear Bob:

Enclosed you will find the completed draft resulting from our recent meeting to discuss the education budget timelines.

I would appreciate your reviewing the draft and responding, with a letter to my office, no later than December 15, either approving or disapproving of the language. If you detect an error or have a question, please indicate it on the draft and return it with your letter. On the other hand, if you approve of the draft, please return the draft with an okay, signature, and date. Any back-up material or position papers which you would like to include with the bill package should be included with the returned draft -- as you are well aware, any additional information that can be provided to simplify explanation of the bill is helpful.

Thank you again for your time spent working with myself and the other individuals present at the meetings. Hopefully everyone's effort will pay off with an improvement to the education budgeting process.

Kindest regards,

Mitch Abood
Mitch Abood
Senator

/ds

Enclosure (1)

Mitch, the draft looks good to me. Can support as is; however, if this version can't fly, hopefully we can support changes which would accomplish the same purpose -- (ie) make the school funding decision early.

Thank you again for including me in your effort with this issue.
Bob Cooksey

Alaska State Legislat

*Lee,
Dorothy would
like you to initial &
do you concur w/ her
statement? Return
to Dorothy.*

INTERIM OFFICE
2024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843



Senator Mitch Abood
SENATE DISTRICT G-A

WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4747

November 20, 1986

The Honorable Dorothy Jones
Mayor, Mat-Su Borough
P.O. Box 1608
Palmer, AK 99645

*Dorothy
Looks good
this action date
would be helpful
in setting mill
levies.
John*

Dear Ms. Jones:

Enclosed you will find the completed dra:
our recent meeting to discuss the educat:
timelines.

I would appreciate your reviewing the dra:
with a letter to my office, no later than
either approving or disapproving of the language. If you
detect an error or have a question, please indicate it on
the draft and return it with your letter. On the other
hand, if you approve of the draft, please return the draft
with an okay, signature, and date. Any back-up material or
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Thank you again for your time spent working with myself and
the other individuals present at the meetings. Hopefully
everyone's effort will pay off with an improvement to the
education budgeting process.

Kindest regards,

Mitch Abood
Senator

/ds

Enclosure (1)



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99519-6614
AREA CODE [907] 333-9561

SCHOOL BOARD

Jean Buchanan
President

William Frick
Vice President

Carol Stolpe
Clerk

Bettye Davis
Clerk Pro Tem
Immediate Past President

Martha Roderick
Treasurer

Darryl Jordan
Assistant Treasurer

Jim Robinson
Parliamentarian
Past President

SUPERINTENDENT

E.E. (Gene) Davis, Ed.D.

December 9, 1986

The Honorable Mitch Abood
Alaska State Legislature
1024 West Sixth Avenue
Anchorage, Alaska 99501

Dear Senator Abood:

In regards to your letter of November 20 the following is suggested:

1. The community schools' funding should probably be included as revenue under Section 37.07.030.
2. Also note that the present statute states that city and borough school districts must submit their budgets not later than April 1 of each year to the local governments. At one point we discussed making that date April 15. This would allow the school districts ample time to make changes to their budgets.

Thank you for taking the lead in this particular problem. I believe it will help not only school districts but local governments and legislators. If I can be of further assistance, please contact me.

Sincerely,

L. T. Freeman
Assistant Superintendent
for Business Management

c1



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99519-6614
AREA CODE [907] 333-9561

SCHOOL BOARD

Jean Buchanan
President

William Frick
Vice President

Carol Stolpe
Clerk

Betty Davis
Clerk Pro Tem
Immediate Past President

Martha Roderick
Treasurer

Darryl Jordan
Assistant Treasurer

Jim Robinson
Parliamentarian
Past President

SUPERINTENDENT

E. E. (Gene) Davis, Ed.D.

December 9, 1986

The Honorable Mitch Abood
Alaska State Legislature
1024 West Sixth Avenue
Anchorage, Alaska 99501

Dear Senator Abood:

Thank you for considering the Anchorage School District to assist in this much needed legislation.

I believe that the timelines of this bill will assist school districts throughout the State in arriving at their budget figures.

If there is any further information you need, please do not hesitate to call upon us.

Sincerely,

E. E. (Gene) Davis, Ed.D.
SUPERINTENDENT

c1

cc L. T. Freeman, Assistant Superintendent, Business Management

Alaska State Legislature

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4747



CHAIRMAN
STATE AFFAIRS

MEMBER
BUDGET & AUDIT
TRANSPORTATION

Senator Mitch Abood
SENATE DISTRICT G-A

MEMORANDUM

DATE: January 22, 1987

TO: Senator Paul Fischer
Chairman, Senate Health, Education, and Social Services
Committee

FROM: Senator Mitch Abood *MA*

RE: SB 2 "An Act relating to deadlines for action on
funding of public education; and providing for an
effective date."

Over the last few years, while working with the National Education Association and the Association of Alaska School Boards, it was brought to my attention that there is a problem in the area of timelines for the education budget. Attached you will find a copy of SB 2, "An Act relating to deadlines for action on funding of public education; and providing for an effective date." which is currently in your committee. This legislation is the result of several work sessions held during the interim, in an attempt to alleviate the budgeting problem. Also, attached for your review is a sectional analysis and additional backup.

Should you have any questions, please give me a call.



NEA-ALASKA

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January 26, 1987

To: Senator Mitch Abood, Chair
Members, Senate State Affairs Committee

Re: Senate Bill No. 2, "An Act relating to dead-
lines for action on funding of public educa-
tion; and providing for an effective date."

NEA-Alaska strongly supports and encourages
passage of this legislation.

Because local school district budgets are so
dependent on the level of state funding support, it
is essential that they know as early in the budget
process as possible the level of State support.
Effective program planning, collective bargaining
relationships, and determination of the ability of
the district to meet unique needs are all directly
impacted by State funding decisions.

Further, the calendar chronology relative to
the submission of school district budgets to the
borough assembly is adversely effected when this
submission must be done absent accurate knowledge of
the State funding support.

SB 2 correctly focuses on the need for earlier
knowledge of these levels of support. To move any
of these dates "down" the calendar delays important
decision making and makes the entire planning
process far less effective than it needs to be.

We encourage your support of SB 2.

Respectively Submitted

Robert Manners,
Executive Secretary

BM30/dl

Alaska State Legislature

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4747



CHAIRMAN
STATE AFFAIRS
MEMBER
BUDGET & AUDIT
TRANSPORTATION

Senator Mitch Abood
SENATE DISTRICT G-A

MEMORANDUM

DATE: January 22, 1987

TO: Senator Paul Fischer
Chairman, Senate Health, Education, and Social Services
Committee

FROM: Senator Mitch Abood 

RE: SB 2 "An Act relating to deadlines for action on
funding of public education; and providing for an
effective date."

Over the last few years, while working with the National Education Association and the Association of Alaska School Boards, it was brought to my attention that there is a problem in the area of timelines for the education budget. Attached you will find a copy of SB 2, "An Act relating to deadlines for action on funding of public education; and providing for an effective date." which is currently in your committee. This legislation is the result of several work sessions held during the interim, in an attempt to alleviate the budgeting problem. Also, attached for your review is a sectional analysis and additional backup.

- Should you have any questions, please give me a call.

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

January 30, 1987

Senator Paul Fischer, Chairman
Members, Senate Health, Education and
Social Services Committee
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Dear Committee Members:

The Association of Alaska School Boards would like to go on record as supporting S.B. 2 relating to deadlines for action on funding for public education.

This bill effectively deals with one of the most significant problems facing school districts today. While it, in itself, will not solve all the problems Alaskan districts are currently facing, it will eliminate the uncertainty of funding levels that exists under the present system. With this obstacle out of the way, districts will be able to work out a number of their budget problems.

The timelines in this bill are particularly beneficial. These timelines would permit district budgeting to go on after the level of funding is established by the state. There is sufficient time between budget steps to permit both districts and municipalities to consider the budgets and a reasonable timeline is established for submittal of budgets to the state.

It is important to note that the bill addresses not only operating funds but also debt retirement funds. While debt retirement funds do not directly impact the school district budget, it has a definite indirect impact because the municipality needs to know this level of state support before it can establish the local level of support for schools.

The Association of Alaska School Boards would urge early consideration and passage of this important piece of legislation.

Respectfully,

A handwritten signature in black ink that reads "ROBERT C. GREENE". The signature is stylized with large, overlapping loops for the letters "R" and "G".

Robert C. Greene
Executive Director



NEA-ALASKA

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January 30, 1987

To: Senator Paul Fischer, Chair
Members, Senate Health, Education & Social
Services Committee

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lines for action on funding of public educa-
tion; and providing for an effective date."

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the State funding support.

SB 2 correctly focuses on the need for earlier
knowledge of these levels of support. To move any
of these dates "down" the calendar delays important
decision making and makes the entire planning
process far less effective than it needs to be.

We encourage your support of SB 2.

Respectively Submitted

Robert Manners
Robert Manners,
Executive Secretary

BM30/dl

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

S HESS

1-26-87

3:30 p.m.

SB

7

SB 31

Fischer, Kelly, + Faiks

Effective Date August 15, 1989
(after state wide vote)

Automatic Review

Supreme Court
issues Death warrant

Lethal Injection ~~or~~
Firing Squad

Limits # of People at
execution (9)

Limits # of Press People (6)

Sets # for firing Squad
(6 peace officers)

SB 7

~~Aboud + Kelly Faik, Faik~~

No Effective Date

Execution 30-60 days after
warrant

After Execution Commissioner
returns warrant to S. Court

Commissioner Regulates

" "

" "

Requires Commissioner + Licensed
Physician at Execution

No photo/Recording of

Aggravating Factors

✓ Torture or aggravated
Battery

Sexual assault 1st degree
Kidnapping or Assault 1st degree

✓ Risk of imminent physical injury
to 2 or 3 or more persons

✓ Death of 2 or more persons

✓ Prior felony - violence to person

✓ Prior conviction for Murder

✓ ~~Pay~~ or Be Paid
(Contract Murder)

✓ On Release Felony Charge
or conviction, having Assault as element

✓ Escaping from Lawful custody
of peace officer or confinement

Committed offense avoiding
lawful arrest or confinement

~~Killed child of a young~~

Knowingly
Offense of a Officer of Court, Judicial
officer, Prosecuting attorney, law

Knowingly, Law Enforcement, judicial
officer, Corrections Officer - Official Duties

Member of organization (5 or more)
Further criminal objectives of
Group

knowingly - offense at the
President or Governor

Same ← Mitigating Factors → Same

Under Duress, coercion, threat or
compulsion insufficient to
constitute a defense

influenced by more mature
defendant

acted with serious
provocation by victim

assisted authorities to
detect or apprehend others
how committed the offense

Incompetency or Pregnancy

Same ← → Same

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 2, 1987

SUBJECT: Comparison of SB 7 and SB 31, relating
to capital punishment

TO: Senator Paul Fischer
Chairman, Senate Health, Education, and
Social Services Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested a sectional analysis of SB 7 and a comparison of that bill to SB 31, both of which relate to capital punishment. Both bills are substantially similar; the differences between the two are detailed below. The sectional analysis of SB 31, prepared for you January 30, 1987, may be used as a reference to compare that bill with SB 7. Please note that a sectional analysis should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Sections 1, 2, and 4 of SB 7 are identical to sections 1, 2, and 4 of SB 31. These sections make technical amendments to existing provisions of law to refer to the new capital punishment provisions added by other sections of the bill.

Section 3 of SB 7 adds a new provision, AS 12.55.117. Subsection (a) of that section is identical to subsection (a) of AS 12.55.117 in section 3 of SB 31.

Subsection (b) is similar to subsection (b) of SB 31 except that SB 7 requires the date of execution to be set between 30 and 60 days after the death warrant is issued.

Subsection (c) of SB 7 is substantively the same as subsection (f) of SB 31.

Subsection (d) of SB 7 gives the Department of Corrections the authority to adopt regulations governing the procedures

for executions. In contrast, SB 31 sets those details out in other subsections of AS 12.55.117.

Section 5 of SB 7 adds AS 12.55.177, setting out the sentencing procedures for capital felonies. Subsections (a) and (b) are substantively identical to subsections (a) and (b) of AS 12.55.177 as added by section 5 of SB 31.

Subsection (c) of SB 7 is substantively similar to AS 12.55.178 in section 5 of SB 31, except that under SB 7 the jury renders a "recommended sentence" and under SB 31 the jury renders an "advisory sentence."

AS 12.55.179 in SB 7 provides that the court must follow the jury's recommendation. If the jury makes certain findings and recommends the death penalty, the court must impose that penalty. If the jury recommends a sentence of imprisonment, the court may not impose the death penalty. In contrast, SB 31 does not require the court to follow the jury's advisory sentence. If the court makes certain findings regarding aggravating and mitigating factors in SB 31 (see AS 12.55.180 and 12.55.181), it may impose a death sentence independent of the jury's findings.

AS 12.55.180 in SB 7 sets out the aggravating factors the sentencing court may consider. They differ from the factors set out in AS 12.55.180 of SB 31. The SB 7 aggravating factors include:

- (1) the defendant's conduct manifested deliberate cruelty in that it involved sexual assault in the first degree, kidnapping, or assault in the first degree;
- (2) the defendant's conduct caused the death of two or more persons, other than accomplices;
- (3) the defendant had a prior conviction for murder;
- (4) the defendant's conduct was directed at the President of the United States or the Governor of Alaska;
- (5) the defendant's conduct was directed at a law enforcement, judicial, or correctional officer;
- (6) the defendant killed a child nine years of age or younger;
- (7) the offense was committed under an agreement that the defendant pay or be paid for the commission of the offense;

(b) the defendant committed the offense while avoiding lawful arrest or escaping from lawful confinement;

(c) the defendant committed the offense after escaping from lawful custody of a peace officer or place of lawful confinement.

AS 12.55.181 in SB 7 sets out the mitigating factors the court must consider; these are identical to the mitigating factors set out in AS 12.55.181 of SB 31.

AS 12.55.182 of SB 7 deals with incompetency and pregnancy of persons sentenced to death and is substantively the same as AS 12.55.182 of SB 31.

Section 6 of SB 7 is substantively the same as section 6 of SB 31.

Section 7 of SB 7 is a technical amendment dealing with the lack of jurisdiction of the Court of Appeals in death sentence appeals. This section is not found in SB 31, but probably should be added for clarity.

Section 8 of SB 7 requires the Commissioner of Corrections to establish a procedure for execution of the death penalty. This provision is not contained in SB 31.

Section 7 of SB 31 puts the question of the desirability of the death penalty on the ballot as an advisory question in 1988. This provision is not contained in SB 7.

Section 8 of SB 31 makes the bill effective August 15, 1989, giving the legislature the opportunity to respond to the advisory vote before the bill takes effect. In contrast, SB 7 has no effective date provision, and therefore would take effect 90 days after the governor signs it.

KBL:csh
c7/039

Introduced: 1/19/87
Referred: Health, Education and
Social Services, Judiciary
and Finance

5-0092A

SIMILAR
LANGUAGE
DIFFERENT
LANGUAGE

1 IN THE SENATE

BY ABOOD AND KELLY

2

SENATE BILL NO. 7

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing capital punishment, classifying
7 murder in the first degree as a capital felony, and
8 establishing sentencing procedures for capital felo-
9 nies."

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

11 * Section 1. AS 11.41.100(b) is amended to read:

12 (b) Murder in the first degree is a capital [AN UNCLASSIFIED]
13 felony and is punishable as provided in AS 12.55.125(a) [AS 12.55].

14 * Sec. 2. AS 12.30.040(b) is amended to read:

15 (b) Notwithstanding the provisions of (a) of this section, if a
16 person has been convicted of an offense that [WHICH] is a capital
17 felony, an unclassified felony or a class A felony, the person may not
18 be released on bail either before sentencing or pending appeal.

19 * Sec. 3. AS 12.55 is amended by adding a new section to read:

20 Sec. 12.55.117. REVIEW OF JUDGMENT AND SENTENCE OF DEATH. (a)
21 A judgment of conviction of a capital felony for which a sentence of
22 death is imposed is subject to automatic review by the supreme court
23 within 60 days after imposition of the sentence. This time limit may
24 be extended by the supreme court. A review under this section has
25 priority over all other cases. The case shall be heard in accordance
26 with rules adopted by the supreme court. On review, the court shall
27 determine whether

28 (1) the sentence was imposed under the influence of pas-
29 sion, prejudice, or other arbitrary factor;

1 (2) the evidence supports the finding of an aggravating
2 factor under AS 12.55.180; and

3 (3) the sentence is excessive or disproportionate to the
4 penalty imposed in similar cases, considering both the crime and the
5 defendant.

6 (b) If the supreme court upholds a judgment of conviction and
7 sentence of death, the court shall ~~issue a death warrant that spec-~~
8 ~~ifies a date of execution. The date of execution shall be not less~~
9 ~~than 30 days nor more than 60 days after the date of the warrant. The~~
10 ~~death warrant shall be delivered to the commissioner of corrections.~~
11 ~~The commissioner shall specify the time, place, and manner of exe-~~
12 ~~cution after providing a person sentenced to death an opportunity to~~
13 ~~choose to be executed by lethal injection or by firing squad.~~

14 (c) After the execution, the commissioner of corrections shall
15 return the death warrant to the court that issued the warrant, with
16 notations as to the time, place, and manner of execution.

17 (d) The Department of Corrections shall adopt regulations gov-
18 erning an execution.

19 * Sec. 4. AS 12.55.125(a) is amended to read:

20 (a) A defendant convicted of a capital felony [MURDER IN THE
21 FIRST DEGREE] shall be sentenced to a definite term of imprisonment of
22 at least 20 years but not more than 99 years, or shall be sentenced to
23 death.

24 * Sec. 5. AS 12.55 is amended by adding new sections to read:

25 Sec. 12.55.177. SENTENCING PROCEDURE FOR A CAPITAL FELONY. (a)
26 If, after trial by jury, the defendant is convicted of a capital
27 felony, the court shall conduct a separate sentencing proceeding
28 before the trial jury as soon as practicable. If a jury trial has
29 been waived or if the defendant pleads guilty, the sentencing

Time

*This is
means the
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Sub C. "F"*

1 proceeding shall be held before a jury impaneled for the purpose.

2 (b) In the sentencing proceeding evidence may be presented as to
3 any matter relevant to the nature of the crime, the character of the
4 defendant, or any aggravating or mitigating factor that the court
5 considers to have probative value, regardless of the admissibility of
6 the evidence under the exclusionary rules of evidence, provided the
7 defendant has an opportunity to rebut hearsay statements. The state
8 and the defendant or the defendant's counsel shall be permitted to
9 present oral argument. This subsection does not authorize the intro-
10 duction of evidence secured in violation of the Constitution of the
11 State of Alaska or the Constitution of the United States.

12 (c) After hearing the evidence, the jury shall deliberate and
13 ~~recommend a sentence to the court.~~ The recommended sentence must
14 include written findings of whether

15 (1) aggravating factors exist to justify the death sen-
16 tence;

17 (2) mitigating factors exist that outweigh the aggravating
18 factors; and

19 (3) the defendant should be sentenced to a term of impris-
20 onment or to death.

21 Sec. 12.55.179. SENTENCE IMPOSITION FOR CAPITAL FELONY. (a)
22 The court, after considering the evidence and the ~~recommended sen-~~
23 ~~tence,~~ shall enter a sentence of death or a term of imprisonment in
24 accordance with AS 12.55.125(a). ~~The death sentence may not be im-~~
25 ~~posed unless the jury finds at least one aggravating factor that is~~
26 ~~not outweighed by the mitigating factors, and the jury recommends that~~
27 ~~the defendant be sentenced to death. If the jury findings include an~~
28 ~~aggravating factor that is not outweighed by the mitigating factors,~~
29 ~~and the jury recommends that the defendant be sentenced to death, the~~

1 court shall sentence the defendant to death. If a sentence of death
2 is not recommended by the jury, the court shall sentence the defendant
3 to a term of imprisonment.

4 (b) If the court enters a sentence of death, it shall make
5 written findings of

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

8 (2) mitigating factors considered by the court.

9 (c) A judgment of conviction for which a sentence of death is
10 imposed is subject to automatic review under AS 12.55.117.

11 ~~Sec. 12.55.180. AGGRAVATING FACTORS. In determining whether to,~~
12 ~~impose a sentence of death, the following aggravating factors may be~~
13 ~~considered:~~

14 (1) ~~the defendant's conduct during the commission of the,~~
15 ~~offense manifested deliberate cruelty to another person in that it~~
16 ~~involved sexual assault in the first degree, kidnapping, or assault in~~
17 ~~the first degree;~~

18 (2) ~~the defendant's conduct caused the death of two or more~~
19 ~~persons, other than accomplices;~~

20 (3) ~~the defendant has a prior conviction for murder under~~
21 ~~AS 11.41.100 - 11.41.110, former AS 11.15.010 or 11.15.030, or a law~~
22 ~~from another jurisdiction with substantially similar elements;~~

23 (4) ~~the defendant knowingly directed the conduct constitut-~~
24 ~~ing the offense at the President of the United States or the governor~~
25 ~~of this state;~~

26 (5) ~~the defendant knowingly directed the conduct constitut-~~
27 ~~ing the offense at a law enforcement, judicial officer, or correction-~~
28 ~~al officer during or because of the exercise of official duties;~~

29 (6) ~~the defendant killed a child nine years of age or~~

1 younger during the commission of the offense;

2 (7) the defendant committed the offense under an agreement
3 that the defendant either pay or be paid for the commission of the
4 offense, or for other pecuniary gain;

5 (8) the defendant committed the offense while avoiding
6 lawful arrest or escaping from lawful confinement;

7 (9) the defendant committed the offense after escaping from
8 the lawful custody of a peace officer or place of lawful confinement.

9 Sec. 12.55.181. MITIGATING FACTORS. In determining whether to
10 impose the death sentence, all mitigating factors shall be considered,
11 including, but not limited to, the following:

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

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

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

19 (4) the defendant assisted authorities to detect or appre-
20 hend other persons who committed the offense with the defendant.

21 Sec. 12.55.182. INCOMPETENCY OR PREGNANCY OF PERSON SENTENCED TO
22 DEATH. (a) If, after imposing a sentence of death, there is reason
23 to believe the defendant has become incompetent to proceed with the
24 execution, or is pregnant, the commissioner of corrections shall
25 immediately give written notice to the court in which the sentence of
26 death was imposed, the prosecuting attorney, and counsel for the
27 defendant. The execution of sentence shall be stayed pending further
28 order of the court.

29 (b) On receipt of the notice that the defendant is believed to

Sam-Jaw
2031 (4)

1 be incompetent, the mental condition of the defendant shall be ex-
2 amined in the same manner as provided for examining persons for compe-
3 tency to stand trial under AS 12.47.070. If it is found that the
4 defendant is incompetent, the sentencing court shall immediately
5 certify that finding to the supreme court and the commissioner of
6 corrections, and shall enter an order for commitment in the same
7 manner as provided for commitment under AS 12.47.110. If it is found
8 that the defendant is competent, the sentencing court shall immedi-
9 ately certify the finding to the supreme court and the commissioner of
10 corrections. The supreme court shall issue and deliver another war-
11 rant to the commissioner of corrections under AS 12.55.117, together
12 with a copy of the certified finding. The warrant shall specify a
13 date of execution not less than 30 days nor more than 60 days after
14 the date of the warrant.

15 (c) If the defendant is pregnant, the sentencing court shall
16 immediately certify that finding to the supreme court and the commis-
17 sioner of corrections. The supreme court shall issue an order staying
18 the execution of the sentence of death during the pregnancy. When the
19 defendant is no longer pregnant, the sentencing court shall immedi-
20 ately certify the finding to the supreme court and the commissioner of
21 corrections. The supreme court shall issue and deliver another war-
22 rant under AS 12.55.117, together with a copy of the certified find-
23 ing. The warrant shall specify a date of execution not less than 30
24 days nor more than 60 days after the date of the warrant.

25 * Sec. 6. AS 22.07.020(a) is amended to read:

26 (a) The court of appeals has appellate jurisdiction in actions
27 and proceedings commenced in the superior court involving:

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

- 1 (2) post-conviction relief;
2 (3) children's court matters under AS 47.10.010(a)(1)
3 including waiver of children's court jurisdiction over a minor under
4 AS 47.10;
5 (4) extradition;
6 (5) habeas corpus;
7 (6) probation and parole; and
8 (7) bail.

9 * Sec. 7. AS 22.07.020(b) is amended to read:

10 (b) Except for appeals of a death sentence, the [THE] court of
11 appeals has jurisdiction to hear appeals of sentences of imprisonment,
12 imposed by the superior court on the grounds that the sentence is
13 excessive or too lenient and, in the exercise of this jurisdiction,
14 may modify the sentence as provided by law and the state constitution.

15 * Sec. 8. AS 33.30 is amended by adding a new section to read:

16 SEC. 33.30.095. ADMINISTRATION OF THE DEATH PENALTY. (a) The
17 commissioner shall establish a procedure for the execution of a sen-
18 tence of death ordered by the state supreme court, at the time and
19 place legally appointed.

20 (b) A death sentence shall be carried out within a state correc-
21 tional facility.

22

MEMORANDUM

TO: Senator Abood

FROM: Darla

RE: Comparison between SB 7 and SB 31, "Authorizing capital punishment, classifying murder in the first degree as a capital felony, and establishing sentencing procedures for capital felonies.

After reviewing the above bills, it appears that they are basically similar with the exception of the following:

- Sec. 3 12.55.117(b) - SB 7 requires the date of execution to be set between 30 and 60 days after the death warrant is issued.
- Sec. 3 12.55.117(d) - SB 7 gives the Dept. of Corrections the authority to adopt regulations governing the procedures for executions. SB 31 sets out these details in Sec. 3 12.55.117 (c-k).
- Sec. 5 12.55.177(c) - This subsection is substantively similar to AS 12.55.178 in Section 5 of SB 31, except that under SB 7 the jury renders a "recommended sentence" and under SB 31 the jury renders an "advisory sentence".
- Sec. 5 12.55.179 - This section in SB 7 provides that the court must follow the jury's recommendation. If the jury makes certain findings and recommends the death penalty, the court must impose that penalty. If the jury recommends a sentence of imprisonment, the court may not impose the death penalty. In contrast, SB 31 does not require the court to follow the jury's advisory sentence. If the court makes certain findings regarding aggravating and mitigating factors in SB 31 (see 12.55.180 and 12.55.181), it may impose a death sentence independent of the jury's findings.
- Sec. 5 12.55.180 - SB 7 sets out the aggravating factors the sentencing court may consider. They differ from the factors set out in AS 12.55.180 of SB 31. This section is orange highlighted in SB 7 and SB 31.

- Sec. 7 22.07.020(b) - This section of SB 7 is a technical amendment dealing with the lack of jurisdiction of the Court of Appeals in death sentence appeals. This section is not found in SB 31, but, by recommendation from legal counsel, probably should be added for clarity.
- Sec. 7 - This section of SB 31 puts the question of desirability of the death penalty on the ballot as an advisory question in 1988. This provision is not contained in SB 7.
- Sec. 8 33.30.095 - SB 7 requires the Commissioner of Corrections to establish a procedure for execution of the death penalty. This provision is not contained in SB 31.
- Sec. 8 - SB 31 makes the bill effective August 15, 1989, giving the legislature the opportunity to respond to the advisory vote before the bill takes effect. In contrast, SB 7 has no effective date provision, and therefore would take effect 90 days after the governor signs it.
- Sec. 9 - This section of SB 31 would make Section 7 effective immediately under AS 01.10.070(c).

Introduced: 1/19/87
Referred: Health, Education and
Social Services and Judiciary

SIMILAR
LANGUAGE
5-0129A

DIFFERENT
LANGUAGE

1 IN THE SENATE

BY FISCHER, KELLY
AND FAIKS

2

SENATE BILL NO. 31

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act authorizing capital punishment, classifying murder in the first degree as a capital felony, and establishing sentencing procedures for capital felonies; and providing for an effective date."

7

8

9

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

11 * Section 1. AS 11.41.100(b) is amended to read:

12

(b) Murder in the first degree is a capital [AN UNCLASSIFIED]

13

felony and is punishable as provided in AS 12.55.125(a) [AS 12.55].

14

* Sec. 2. AS 12.30.040(b) is amended to read:

15

(b) Notwithstanding the provisions of (a) of this section, if a person has been convicted of an offense that [WHICH] is a capital felony, an unclassified felony or a class A felony, the person may not be released on bail either before sentencing or pending appeal.

16

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18

19

* Sec. 3. AS 12.55 is amended by adding a new section to read:

20

Sec. 12.55.117. REVIEW OF JUDGMENT AND SENTENCE OF DEATH. (a)

21

A judgment of conviction of a capital felony for which a sentence of death is imposed is subject to automatic review by the supreme court within 60 days after imposition of the sentence. This time limit may be extended by the supreme court. A review under this section has priority over all other cases and the case shall be heard in accordance with rules adopted by the supreme court. On review, the court shall determine whether

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(1) the sentence was imposed under the influence of pas-

29

sion, prejudice, or other arbitrary factor;

1 (2) the evidence supports the finding of an aggravating
2 factor under AS 12.55.180; and

3 (3) the sentence is excessive or disproportionate to the
4 penalty imposed in similar cases, considering both the crime and the
5 defendant.

6 (b) If the supreme court upholds a judgment of conviction and
7 sentence of death, the court shall ~~cause a death warrant to be drawn.~~
8 The death warrant, ~~together with a written opinion of the court,~~ shall
9 be delivered to the commissioner of corrections. The commissioner
10 shall specify the time, place and manner of execution after ~~determin-~~
11 ~~ing whether the defendant chooses to be executed by lethal injection~~
12 ~~or by firing squad.~~

13 (c) An execution by firing squad shall be carried out at a state
14 prison designated by the commissioner of corrections. The commis-
15 sioner shall select a firing squad of six peace officers. They shall
16 be compensated in an amount determined by the commissioner.

17 (d) After consulting a licensed physician, the commissioner of
18 corrections shall select a method of injection and a drug or com-
19 bination of drugs to be used for an execution by lethal injection.

20 (e) The commissioner of corrections and a licensed physician
21 chosen by the commissioner shall be present at an execution under this
22 chapter. The commissioner may invite not more than nine citizens 19
23 years of age or older to be present at an execution, including the
24 prosecuting attorney, the defense attorney, relatives, friends or
25 religious representatives designated by the defendant. None of those
26 invited may attend an execution as a matter of right.

27 (f) After the execution the commissioner of corrections shall
28 make a return upon the death warrant, showing the time, place and
29 manner in which the defendant was executed.

Time

ok

*This is intended
to be a written report
of the execution*

*State of Alaska
SB 7*

1 (g) The commissioner of corrections shall permit at an execution
2 the attendance of not more than six members of the print and broadcast
3 news media selected by the commissioner in accordance with regulations
4 adopted by the Department of Corrections. The selected news media
5 members shall serve as a pool for other members of the news media as a
6 condition of attendance.

7 (h) The use of photographic or recording equipment may not be
8 permitted at the execution site until the execution is completed, the
9 body is removed and the site has been restored to an orderly condi-
10 tion. The physical arrangements for the execution may not be dis-
11 turbed. A person who violates this subsection is guilty of a class B
12 misdemeanor.

13 (i) Persons attending an execution shall be subject to a reason-
14 able search as a condition of attendance.

15 (j) Persons other than the necessary staff designated by the
16 commissioner of corrections and others permitted under (e) and (g) of
17 this section, may not be permitted to attend an execution, nor may any
18 person under the age of 19 attend.

19 (k) The Department of Corrections shall adopt regulations gov-
20 erning the attendance of persons at an execution.

21 * Sec. 4. AS 12.55.125(a) is amended to read:

22 (a) A defendant convicted of a capital felony [MURDER IN THE
23 FIRST DEGREE] shall be sentenced to a definite term of imprisonment of
24 at least 20 years but not more than 99 years or shall be sentenced to
25 death.

26 * Sec. 5. AS 12.55 is amended by adding new sections to read:

27 Sec. 12.55.177. SENTENCING PROCEDURE FOR CAPITAL FELONY. (a)
28 If, after a trial by jury, a defendant is convicted of a capital
29 felony, the court shall conduct a separate sentencing proceeding

1 before the trial jury as soon as practicable. If the defendant waived
2 a jury trial or pleaded guilty the sentencing proceeding shall be held
3 before a jury impaneled for the purpose.

4 (b) In the sentencing proceeding evidence may be presented as to
5 any aggravating or mitigating factor that the court determines has
6 probative value regardless of the admissibility of the evidence at
7 trial, provided that the defendant has an opportunity to rebut hearsay
8 statements and to assert any evidentiary privileges available under
9 the Alaska Rules of Evidence. The state and the defendant or the
10 defendant's counsel shall be permitted to present oral argument. This
11 subsection does not authorize the introduction of evidence secured in
12 violation of the Constitution of the State of Alaska or the Constitu-
13 tion of the United States.

14 Sec. 12.55.178. ADVISORY SENTENCE FOR CAPITAL FELONY. After
15 hearing the evidence, the jury shall deliberate and give an advisory
16 ~~sentence to the court.~~ The advisory sentence shall include findings
17 whether

18 (1) aggravating factors exist to justify the death sen-
19 tence;

20 (2) mitigating factors exist that outweigh the aggravating
21 factors; and

22 (3) the defendant should be sentenced to a term of impri-
23 sonment or to death.

24 Sec. 12.55.179. SENTENCE FOR CAPITAL FELONY. (a) The court,
25 after considering the evidence and the ~~advisory sentence~~ shall enter a
26 sentence of death or a term of imprisonment in accordance with AS 12.-
27 55.125(a). If the court imposes a sentence of death, it shall make
28 written findings of

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

1 and

2 (2) mitigating factors considered by the court.

3 (b) A judgment of conviction for which a sentence of death is
4 imposed is subject to automatic review under AS 12.55.117.

5 Sec. 12.55.180. AGGRAVATING FACTORS. The death sentence may not
6 be imposed unless at least one of the following aggravating factors is
7 found to exist and is not outweighed by mitigating factors:

8 (1) the defendant's conduct during the commission of the
9 offense manifested deliberate cruelty to another person in that it
10 involved torture or an aggravated battery;

11 (2) the defendant's conduct created a risk of imminent
12 physical injury to three or more persons, other than accomplices;

13 (3) the defendant has a prior conviction for a felony that
14 involved the use of violence to a person;

15 (4) the defendant committed the offense pursuant to an
16 agreement that the defendant either pay or be paid for the commission
17 of the offense, or for other pecuniary gain;

18 (5) the defendant was on release for another felony charge
19 or conviction having assault as a necessary element;

20 (6) the defendant knowingly directed the conduct constitut-
21 ing the offense at an active officer of the court or at an active or
22 former judicial officer, prosecuting attorney, law enforcement offi-
23 cer, correctional employee, or fireman during or because of the exer-
24 cise of official duties;

25 (7) the defendant was a member of an organized group of
26 five or more persons, and the offense was committed to further the
27 criminal objectives of the group.

28 Sec. 12.55.181. MITIGATING FACTORS. The death sentence may not
29 be imposed if mitigating factors are found to outweigh aggravating

1 factors. All mitigating factors shall be considered including the
2 following:

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

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

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

10 (4) the defendant assisted authorities to detect or appre-
11 hend other persons who committed the offense with the defendant.

12 Sec. 12.55.182. INCOMPETENCY OR PREGNANCY OF PERSON SENTENCED TO
13 DEATH. (a) If, after imposing a sentence of death, there is reason
14 to believe the defendant has become incompetent to proceed with the
15 execution, or is pregnant, the commissioner of corrections shall
16 immediately give written notice to the court in which the sentence of
17 death was imposed, the prosecuting attorney and counsel for the defen-
18 dant, and the execution of sentence shall be stayed pending further
19 order of the court.

20 (b) On receipt of the notice that the defendant is believed to
21 be incompetent, the mental condition of the defendant shall be ex-
22 amined in the same manner as provided for examining persons for compe-
23 tency to stand trial under AS 12.47.070. If it is found that the de-
24 fendant is incompetent, the sentencing court shall immediately trans-
25 mit a certificate of findings to the supreme court and the commis-
26 sioner of corrections, and shall enter an order for commitment in the
27 same manner as provided for commitment under AS 12.47.110. If it is
28 found that the defendant is competent, the sentencing court shall
29 immediately transmit a certificate of the findings to the supreme

1 court and the commissioner. The supreme court shall draw and have
2 delivered another warrant to the commissioner under AS 12.55.117,
3 together with a copy of the certificate of the findings. The warrant
4 shall specify a date of execution not less than 30 days nor more than
5 60 days after the date of the drawing of the warrant.

6 (c) If the defendant is pregnant, the sentencing court shall
7 immediately transmit a certificate making that finding to the supreme
8 court and the commissioner of corrections. The supreme court shall
9 issue an order staying the execution of the sentence of death during
10 the pregnancy. When the defendant is no longer pregnant, the sentenc-
11 ing court shall immediately transmit a certificate of the finding to
12 the supreme court and the commissioner of corrections. The supreme
13 court shall draw and have delivered another warrant under AS 12.55.-
14 117, together with a copy of the certificate of the finding. The
15 warrant shall specify a date of execution not less than 30 days nor
16 more than 60 days after the date of the drawing of the warrant.

17 * Sec. 6. AS 22.07.020(a) is amended to read:

18 (a) The court of appeals has appellate jurisdiction in actions
19 and proceedings commenced in the superior court involving:

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

22 (2) post-conviction relief;

23 (3) children's court matters under AS 47.10.010(a)(1)
24 including waiver of children's court jurisdiction over a minor under
25 AS 47.10;

26 (4) extradition;

27 (5) habeas corpus;

28 (6) probation and parole; and

29 (7) bail.

1 * Sec. 7. The lieutenant governor shall place before the qualified
2 voters of the state at the next statewide election the question advisory to
3 the legislature of whether capital punishment for murder in the first
4 degree as now authorized by law should go into effect on August 15, 1989.
5 The question shall appear on the ballot in substantially the following
6 form:

7 Q U E S T I O N

8 Shall capital punishment for murder in the first degree
9 as now authorized by law go into effect on August 15, 1989?

10 Yes [] No []

11 * Sec. 8. Sections 1 - 6 of this Act take effect August 15, 1989.

12 * Sec. 9. Section 7 of this Act takes effect immediately under AS 01.-

13 10.070(c).

SB 7 Death Penalty

Jan Rutherford

Amnesty Int'l

Opposes

Death penalty sends wrong message. Says murder is legitimate. Killing child who hits. Homicides increase by 2 ex mo in NYC after death pen. Rate doubled in Oregon when death penalty was reimposed in 1920.

Children incap of counsel conseq. Reverse consequences: people kill knowing they will die.

Death penalty costs 2^x as much as life imprisonment
Discrimination

Innocent ppl may be exec
23 ppl since 1980 were
exec but innoc.

Seriously mentally impaired
victimized

Doesn't help the victim

Continues cycle of vengeance

Can be applied to children

in Alaska bec of jur waiver

exceptions to this in USSA
Libya China

Objection to putting to a vote

Bishop Kinney -
Horrified.

Not only bec of what it does
to executed but also to what it
executioners. ^{does to}

degrades and deforms us as a
people. Teaches young people
that the way to respond is
to lash out. Contrary to
measure & reason.

Not a healthy way to deal
with passions within.

Would like to see people
move to keep the death penalty
out of the state.

Halford - I agree with you but
I am conc. abt killing of
a witness & hw we provide
a way to say that killing
is worse than rape & that
eliminating witness is not
OK.

Kinney - You are equating death penalty w/ deterrence. Where is logic?

Helf - If you reduce penalty w/o increasing the penalty the equation is all on one side.

Kinney - Deterrent.

Helford - I haven't made up my mind.

Josephson - Ironic that W Germans worried about how we treat our debts. When you look at

Kinney - Not to protect society: look @ total picture, the thing that has convinced me is that we simply continue cycle of violence.

Many acting in passion, most alone. When we see it is deliberate planned and policy.

It is an act by a society that claims to be civilized. It affects our thinking.

I can vent my rage in a brutal way.

Halford - Articles abt exec in
S state - exec wasn't a
positive act - article
pointed out that he had
raped and murdered 2
children and a woman ^{what} do y do?

Kettula - Problem with errors
in judgment. He would allow
cap punishment if prosec-
jury & judge would
receive same punishment

Halford - Sometimes we have
to accept the handicap of
having ideals

Ed Whittaker - Constitution gov life
Inapprop for any govt to
take a life

Sen. Abood - Prime sponsor
Majority demands it: 85%



Legislative Information and Teleconference Networks

Legislative Teleconference Network SIGN-IN SHEET

START TIME: 7:00 P.M.

DATE: 4-13-87

END TIME: 9:00

PLACE: Anch.

SPONSOR/SUBJECT: SHISS Comm / Leg Public Hearing SB7

Please Print

HERE TO
OBSERVE
TESTIFY

NAME/REPRESENTING

ADDRESS

PHONE

NAME/REPRESENTING	ADDRESS	PHONE	HERE TO OBSERVE	TESTIFY
① Fred B. Morgan	MAIL: BX-201623, V Anch. - 99501-1623	279-8760	✓	
② Shara Nahorney	203 E. 5th 99501	279-3793	✓	
③ BRANT WOOD	900 W. 5th Ave #525 ANCH AK 99501	277-1684	✓	
④ Martin Blackley	10.TVU	KTUU		
TERRY E JOHNSON	7101 Shoreside Cir	337-6771		✓
Michelle S Johnson	7101 Shoreside Cir	337-6771		✓
⑤ Janice Senhart	3100 Mt View Dr.	337-5201	✓	
⑥ Adrian S. Smith	3100 Mt View Dr	337-4586	✓	



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
STAFF COUNSEL

302 K Street
Anchorage, Alaska 99501

(907) 264-8228

February 3, 1987

Senator Paul Fischer
Chair, Senate HESS Committee
P. O. Box V
Juneau, Alaska 99811

Dear Senator Fischer:

I writing with regard to Senate Bill 7 and Senate Bill 31, both relating to capital punishment.

The court system anticipates submitting fiscal notes on these two measures. To some extent, the fiscal impact will reflect the impact on the Department of Law, since the court's workload would depend on the number of capital punishment cases which are filed. However, the court's fiscal note will also reflect costs incurred separately by the court system in processing these cases, such as the cost of increased courtroom security.

Once the administrative office has an opportunity to review executive branch fiscal notes on these measures, we will prepare appropriate fiscal notes and forward them to the Legislature. In the meantime, if you have any questions or need additional information from the court system, please let me know.

Sincerely,

Karla L. Forsythe
Staff Counsel

KLF:bs

cc: Senator Tim Kelly
Senator Jan Faiks
Senator Mitchell Abood
Senator Jay Kerttula
Arthur H. Snowden, II, Administrative Director
Robert Fisher, Fiscal Officer

2/3/87-9

PUBLIC OPINION MESSAGE

DEAR: SENATOR KERTTULA

Jan 30th

NAME: ARCH BISHOP FRANCES HURLEY
TITLE:
ADDRESS: 225 CORDOVA STREET
CITY: ANCHORAGE
PHONE: 258-7898
BILL NO: SB 31
SUBJECT: CAPITAL PUNISHMENT; RELATED PROCEDURES
MESSAGE: I REGRET THAT NOTICE WAS NOT GIVEN ON THE PROPOSED BILL FAVORING CAPITAL PUNISHMENT. I PERSONALLY OPPOSE CAPITAL PUNISHMENT AND REQUEST TIME TO SUBMIT A WRITTEN INTERVENTION.

ZIP: 99501

POPID: 03110950
DATE: 03/03/87
TIME: 11:09:50
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

FISCHER
HALFORD
JONES
JOSEPHSON

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 7
Publish Date: _____

Revision Date: _____
Title: "An Act authorizing capital punishment..."
Sponsor: Abood, Kelly, Faiks
Requestor: Senate Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	226.6	235.7	245.1	254.9	265.1
TRAVEL		35.0	36.4	37.9	39.4	40.1
CONTRACTUAL		546.2	568.0	590.7	614.3	638.9
SUPPLIES		4.0	4.2	4.4	4.6	4.8
EQUIPMENT		14.1	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	825.9	844.3	878.1	913.2	948.9

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	825.9	844.3	878.1	913.2	948.9
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	825.9	844.3	878.1	913.2	948.9

POSITIONS:

FULL-TIME		4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: 2/24/87

Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Date: 3/4/87

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB7

The passage of death penalty legislation would have a dramatic fiscal impact on the Office of Public Advocacy. The OPA is purely reactive agency and must provide legal representation when appointed by the court. The OPA is responsible for providing representation to indigent criminal defendants in cases where the Alaska Public Defender Agency has a conflict of interest.

This office's estimate that it will be responsible for three capital cases in FY88 is dependent upon the following two assumptions: (1) a slight numerical increase in the number of first degree murder cases which fall within the OPA statutory mandate, and (2) the Department of Law will request the death penalty in only one-third of all First Degree Murder cases.

The Office of Public Advocacy would assign at least two experienced attorneys to each capital case in accordance with the policy of numerous states in which the death penalty has become law. Each case will necessitate an exhaustive pretrial investigation, contracts with numerous expert witnesses, and extensive litigation of legal issues during pretrial proceedings, trial, and numerous appellate stages.

The New York Defender Association estimated expert witness fees at \$60,000 per case. Further, travel costs will be extraordinary high because this Anchorage-based death penalty team must provide statewide representation.

It is anticipated that the Office of Public Advocacy will have to contract for representation in at least one death penalty case per year. Such a case would arise when OPA has a conflict of interest. The New York Defender Association has estimated the cost of defense services in each case to be \$350,000.