

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7785 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

PROCLAMATION

TO ALL TO WHOM THESE PRESENTS SHALL COME--GREETINGS:

WHEREAS, The institution of the family has been in great danger of a gradual disintegration for a long time and we need to pay our immediate attention to it; and

WHEREAS, We all agree on the importance of the parental role in any society and the impact of a loving and caring family as the best environment for the healthy growth of our children; and

WHEREAS, The family is the basic strength of any free and orderly society; and

WHEREAS, It is appropriate to honor the family as a unit essential to the continued well-being of the State of Arkansas;

NOW, THEREFORE, I, Bill Clinton, Governor of the State of Arkansas, do hereby proclaim May 1, 1992, as

PRESERVATION OF THE FAMILY MONTH

in Arkansas and urge all family members to join together to strengthen their home life through devotion, love, understanding and the enjoyment of working and living as a family.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on this ~~20th~~ day of April in the year of our Lord nineteen hundred ninety-two.

Bill Clinton
GOVERNOR

Bin Dof...
SECRETARY OF STATE





OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

The institution of the family has been in great danger of gradual disintegration for a long time, and we need to pay immediate attention to it.

In the month of May, we also celebrate Mother's Day, which should remind us of the famous quotation, "The hand that rocks the cradle rocks the world." We all agree on the importance of the parental role in any society and the impact of a loving and caring family as the best environment for the healthy growth of our children.

May also represents early spring, growth of flowers and rejuvenation of plants, life, and activities in nature.

For these reasons, May seems an appropriate time to celebrate the strength and importance of families, in Texas and around the world.

Therefore, I, Ann W. Richards, Governor of Texas, do hereby proclaim the month of May, 1992, as:

PRESERVATION OF THE FAMILY MONTH

in Texas and urge the appropriate recognition thereof.



In official recognition whereof I hereby affix my signature this

15th day of April, 1992

Ann W. Richards

STATE OF ALASKA



Executive Proclamation
by
Walter J. Hickel, Governor

MAYDAY is a call for help, alerting others of distress and danger. The institution of the family has been in great danger of gradual disintegration and we need to give immediate attention to it.

During the month of May, we celebrate Mother's Day, which should remind us of the famous quotation, "The hand that rocks the cradle rocks the world," and we all agree on the importance of the parental role in any society and the impact of a loving and caring family as the best environment for the healthy growth of our children. May also represents early spring, growth of flowers, and rejuvenation of life.

NOW, THEREFORE, I, Walter J. Hickel, Governor of the State of Alaska, do hereby proclaim the month of May 1992 as:

***PRESERVATION OF THE FAMILY AWARENESS
MONTH***

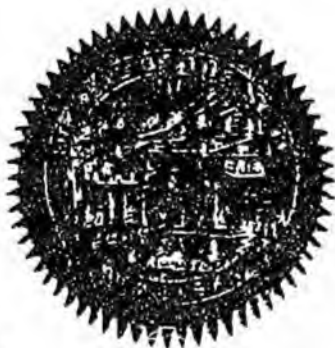
in Alaska, and encourage all citizens to recognize the vital role family plays in our lives.

DATED: April 30, 1992

Done by —

Walter J. Hickel

Walter J. Hickel, Governor
who has also authorized the seal
of the State of Alaska
to be affixed to this proclamation.



LOCAL

Family Day celebration set for Ashland

By Monica Allevan
Of The Tidings

Saving the family from disintegration is the mission behind an Ashland-based foundation for the prevention of domestic violence and child abuse.

Massoud Shadzad, 48, and Sharon Shadzad, 40, are campaigning for a statewide Family Day on May 1, and they're planning a second annual Family Day celebration in Ashland on Wednesday.

The celebration will be from 1 to 7 p.m. Wednesday at the Lithia Park bandshell. The Rogue Drifters will perform country-western music beginning at 2:30 p.m. People are invited to bring picnics, friends, family and children.

The Shadzads are founders of Problem Resolving and Management Team Foundation, Inc. (PROMPT), a non-profit organization for the prevention of child abuse and domestic violence.

Since its inception about two years ago, the foundation has secured proclamations from the counties of Jackson, Josephine, Malheur and Baker designating May 1 as "Family Day" and the month of May as "Preservation of the Family Month."

Even though the week of Nov. 18-24 has been designated family week on a national basis, May Day calls for immediate attention, and letters are being sent to state governors, Congress and President Bush in an attempt to disig-



Staff photo by Monica Allevan

Massoud Shadzad and Sharon Shadzad are founders of PROMPT, which will hold Family Day in Lithia Park on Wednesday.

nate a national Family Day on a permanent basis, he said. Eventually, they would like to make it an international day.

The couple say the family as an institution has disintegrated and requires immediate attention because of problems associated with drugs, unemployment, violence, homelessness, physical and verbal abuse and child abuse.

"We pay attention to other institutions in society, and family as an institution has been ignored," Massoud Shadzad said. "As far as I'm concerned, if the family falls

apart, the whole society will fall apart and that's what's happening."

May Day was chosen for Family Day because "mayday" is a call for help. Mother's Day is celebrated in May, and May follows April, which is designated the month for child abuse prevention. Plus, May 1 is Law Day, and spring symbolizes a time for regrowth.

"Basically, it's to take a look at what's important to us in our life," he said.

The No. 1 cause of child abuse is stress, which parents may bring

home from the workplace, he said. "The most important thing that I would suggest for parents to do is never, never discipline children when they are angry," he said. "Just to walk away, take time out."

Children need to be taught that violence is not okay. "We should stop entertaining ourselves with violence," he said. By tuning into television programs that portray violence, "we're getting addicted to violence."

One of PROMPT's primary objectives is to get citizen and community involvement. A membership drive is just getting underway, and a new board of directors is being organized. The goal is to have six to 12 members, including a husband and wife team and a youth representative who must be at least 18 years old.

Plans call for an education and prevention center and a team of mobile professionals to some day travel around the country giving lectures and seminars.

PROMPT would like to organize seminars this year on stress management, coping with anger and other topics, and they're looking for volunteers to help with the organization. For more information, call 482-7772.

The couple will celebrate their first wedding anniversary on May 1. "Believe me, we have our shares, too," he said, referring to their five children. "They teach us."

"It's a continual learning process," she added.

Siskiyou

Vol. 64, Issue 27 Ashland, Oregon

May 9, 1991

County celebrates Family Day

Koren Feishman
of the Siskiyou staff

May 1 marked the second annual Family Day in Jackson County. The band's music rang out, the children played, and families gathered in Lithia Park to kick off the Preservation of Family Month.

Massoud and Sharon Shadzad, the founders of PROMPT, the nonprofit organization responsible for the creation of Family Day, said the celebration was a "great success." According to Massoud, 30 to 50 men, women and children participated in the day long celebration.

The focus of PROMPT, problem resolving and/or management program team, is the prevention of child abuse and family violence.

Massoud said he chose May 1, the traditional Mayday, as a "sign of danger."

"Mayday calls attention to those families in a time of crisis," said Sharon.

Massoud said he believes "family is the core to society and if family falls apart, society falls apart."

"A dysfunctional family is a sign of a dysfunctional society," he said.

According to Massoud, the institution of family is critically "disrupted by inside and outside threats." He said these threats include: poverty, unemployment, homelessness, lack of medical care, drug abuse, violence, and alcohol.

"As a scholar I am disappointed because the issue

of domestic violence and child abuse has been nothing but a political football game among politicians. These issues have not been given the political priority that they deserve."

Massoud said he has been unable to successfully call attention to the need for a Family Day with the Oregon legislature and Gov. Barbara Roberts. As a result, Massoud and Sharon have approached local county governments with PROMPT's proclamation for a Family Day.

"We are succeeding, and we are not going to quit," Massoud said.

As of this May, Massoud and Sharon's efforts have been successful. Six counties, Baker, Clatsop, Malheur, Tillamook, Wasco, and Yamhill, have

passed proclamations to observe May 1 as Family Day, and the month of May as the Preservation of Family Month.

Although Nov. 18 through 24 is nationally observed as family week, the mission of PROMPT is to designate a national Family Day on a permanent basis. Eventually, Massoud said they will strive for international observance.

According to Massoud, PROMPT is "already looking forward to, and planning, 1992's Family Day."

He said he believes "the 1990s is the decade of involvement." The PROMPT organization is looking for volunteers as the organization continues to grow, said Massoud.



Family Day arrives

Jackson County residents gathered in Lithia Park to kick off Preservation of the Family Month.

See page 3



Jessica Showerman/SISKIYOU

A father and son take time together in Lithia Park on Family Day.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 88

Revision Date: _____

Title: "An Act establishing May 1 as Family Day. . ."

Sponsor: Representatives Bunde, Toohy, Green, Porter

Requestor: (H) HESS

Department Affected: Administration

BRU: Division of Personnel/OEEO

Component: Division of Personnel/OEEO

COMPONENT SERIAL NO. 56

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: R. H. King, Director
Division: Personnel/OEEO

Phone: 465-4430
Date: _____

Approved by Commissioner: Nancy Bear Usara
Agency: Administration

Date: 1/26/93

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HB

97

HOUSE COMMITTEE REPORT

(9)

Date Referred: January 29, 1993

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2-5-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 97

HOUSE BILL NO. 97

PARENTAL CARE FOR CHILD IN STATE CUSTODY

"An Act clarifying the responsibilities of the Department of Health and Social Services and parents for children who are committed to the custody of the department and are placed by the department with the parents; and providing for an effective date."

RECOMMENDATIONS: the same title
be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note HSS

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Con Buech	X	<i>[Signature]</i>		X	
<i>[Signature]</i>		<i>[Signature]</i>		X	
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Paula Allberg	✓				
<i>[Signature]</i>	✓				
Betty Davis	✓				
<i>[Signature]</i>	✓				

[Signature]
CHAIRMAN'S NATURE



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE: FEBRUARY 8, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:

- *HB 114: DRUG DISPENSING: ADV. NURSE PRACT
- *HB 2: DRUG TESTING FOR SCHOOL BUS DRIVE
- *HB 78: TESTIMONY OF MINORS IN CRIMINAL T
- *HB 97: PARENTAL CARE FOR CHILD IN STATE
- *HB 100: PROSECUTION OF JUVENILE FELONS

BILLS HELD OVER FROM PREVIOUS CALENDERS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Komagne Karen	Dept. of Education	801 W. 10th St Juneau	99801		465-8652	Y	N	Available HB 2
Peter Nakamura	Dept of Health	A.D.B			465-3090	(Y)	N	HB 114
VINCENT USERA	AGO				465-2399	Y	N	if needed HB 79
KARL Lueb	DCED	Director Occupational Licensing			5-2538	Y	(N)	only if needed HB 114
WELZIN Kathy Witzig	sup	STUDENT ASSISTANCE CENTER P.O. BOX 20845 JUNEAU AL 99801 10014 10th St Juneau AK			463-1852	Y	N	HB 150
Deborah	DFYS				465-3191	(Y)	N	HB 97
						Y	N	
RENA BUKOVICH LES MAB TO STEVEN MALDEN					-6872	Y	N	
JERRY LUCKHAUFF LES CUMMEL LES AFFAIRS		GLADWIN BLK JUNEAU, AK 9			-2450	Y	N	
						Y	N	
						Y	N	



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE: FEBRUARY 8, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:

- *HB 114: DRUG DISPENSING: ADV. NURSE PRACT
- *HB 2: DRUG TESTING FOR SCHOOL BUS DRIVE
- *HB 78: TESTIMONY OF MINORS IN CRIMINAL T
- *HB 97: PARENTAL CARE FOR CHILD IN STATE
- *HB 100: PROSECUTION OF JUVENILE FELONS

BILLS HELD OVER FROM PREVIOUS CALENDERS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
SHERRE GOLL	WOMEN'S LOBBY	P.O. Box 22156, JUNEAU	99802		463-6744	(Y)	N	HB 100
Chris EADY	DIVERSIFIED SVCS DIV	P.O. Box 20845, JUNEAU	99802		586-5365	Y	(N)	HB 700
GARY BADER	DOF	801 W. 10th JUNEAU	99802		465-8650	(Y)	N	HB 2
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

**** ORDER SUMMARY ****

SPONSOR: MHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY
PURPOSE: PUB PUBLIC HEARING BUNDE
CONTACT: LYNN SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106
TOLL FREE: DIAL-UP: LID:(800)478-9908

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 5 MINUTE LIMIT

SPONSOR REMARKS(LID): BACKUP MATERIAL:N MEETING IN PROGRESS:N MAX. SITES: 5
FOR HB 97, DIANE OLSEN, DEPT. OF LAW WILL BE IN ANCHORAGE TO TESTIFY BY INVITE
TCN REQUESTED ON 02/08/93 AND HAS 4 UPDATES

**** AGENDA ****

- 1 HB 114 DRUG DISPENSING:ADV. NURSE PRACTITIONERS
- 2 HB 97 PARENTAL CARE FOR CHILD IN STATE CUSTODY
- 3 (BY INVITATION ONLY)

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
BAR BARROW	COURTHOUSE #305	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP106	LOCATION STAFF
MAT MATSU	165 E PARKS HWY.	LOCATION STAFF

PARTICIPANTS IN:ANCHORAGE

ANC

- | | | | |
|---|-----------------------|------------------|------------------------|
| 1 | PATRICIA HONG | AK NURSE ASSOC | TSFY. HB 114 |
| | 237 E THIRD, NO 3 | ANCHORAGE | AK 99501 (907)274-0827 |
| 2 | DARYL YOUNG | UAA | TSFY. HB 114 |
| | 3211 PROVIDENCE DRIVE | ANCHORAGE | AK 99508 (907)786-4040 |
| 3 | SUE ANNE JENKINSON | AK NURSE PRACTIT | TSFY. HB 114 |
| | 237 E THIRD | ANCHORAGE | AK 99501 (907)274-0827 |
| 4 | GAIL MCGUILL | | TSFY. HB 114 |
| | 3601 C STREET | ANCHORAGE | AK 99503 (907)561-2878 |
| 5 | DIANNE OLSEN | | TSFY. HB 97 |
| | 1031 W 4TH AVE | ANCHORAGE | AK 99501 (907)269-5139 |
| 6 | STAN THOMPSON | | OBSV. HB 114 |
| | 1018 W 73RD | ANCHORAGE | AK 99518 (907)344-5149 |
| 7 | KAY LAHDENPERA | MOA/DHHS | TSFY. HB 114 |
| | P.O. BOX 196650 | ANCHORAGE | AK 99519 (907)343-4624 |

PARTICIPANTS IN:JUNEAU

JNU

- | | | |
|---|--------------|------------------|
| 1 | REP TOOHEY | TSFY. HB 114 |
| | | AK (907)000-0000 |
| 2 | REP BUNDE | TSFY. HB 114 |
| | | AK (907)000-0000 |
| 3 | REP G. DAVIS | TSFY. HB 114 |
| | | AK (907)000-0000 |
| 4 | REP VEZEY | TSFY. HB 114 |
| | | AK (907)000-0000 |
| 5 | REP KOTT | TSFY. HB 114 |
| | | AK (907)000-0000 |
| 6 | REP OLBERG | TSFY. HB 114 |
| | | AK (907)000-0000 |
| 7 | REP B. DAVIS | TSFY. HB 114 |

PARTICIPANTS IN:MATSU

MAT

- | | | | |
|------|-------------|-----------------|------------------------|
| 1 MS | DIXIE LIGHT | IS FOR THE BILL | TSFY. HB 114 |
| | POB 382 | HOUSTON | AK 99694 (907)892-8804 |

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



P.O. BOX V, JUNEAU 99811
(907) 465-3759

HB 97

CLARIFYING PARENTAL RESPONSIBILITIES

FOR A CHILD IN STATE CUSTODY

HB 97 clarifies the responsibilities of the Department of Health and Social Services and parents for children who are committed to the custody of the department and are placed by the department with the parents.

The bill responds to an Alaska Supreme Court decision that will incur new and substantial costs to the state.

In the August 1991 decision in the case of In re E.A.O., the court reversed a lower court decision and ruled that the state must pay for the medical costs of a child in state custody even though the child lives with his or her parents.

Prior to this decision, the state interpreted the law to pay for medical care costs of children in physical custody of the state. Holding the state responsible for medical costs of children in its custody who are placed at home would result in less protection for these children and other children in need of aid.

The ramifications of this decision may also lead to the state's being held liable for other costs of child rearing such as food, shelter, and education.

HB 97 will free the state from the fiscal complications arising the August 1991 court decision.

Sponsor Statement

HOUSE BILL 97

For An Act Entitled: "An Act clarifying the responsibilities for the Department of Health and Social Services and parents for children who are committed to the custody of the Department and are placed by the Department with the parents; and providing for an effective date"

Analysis/Program Impact

The Department of Health and Social Services strongly supports HB 97, which clarifies the responsibilities of the Department for children committed to its legal custody who continue to reside with the parent or parents. The Bill amends AS 47.10.084 (a) to expressly require a parent or parents to provide for the day to day care of their children if the children are residing with them when the state has legal custody as a result of child protection services purposes.

This bill was made necessary as a result of the Alaska Supreme Court ruling in the case of In re E.A.O., 816 P.2d 1352 (Alaska 1991), in which the court ruled that the current AS 47.10.084 requires the Department to pay for medical costs associated with the care of children, even though they live with their parents. The Department has never interpreted the statute in this manner in the past. Therefore, absent an amendment, the Department will incur substantial additional financial expenses for these medical costs and may also be exposed to legal suits to resolve the responsibility for other costs of child rearing, including food, shelter, and education, while a child is placed at home by the Department. The Department has not budgeted for these types of costs, and these cost would significantly impact our budget, as well as the Medicaid budget. Although the court did acknowledge a possible right of reimbursement from the parents, the collection would not be practical nor cost effective.

The bill provides for a retroactive effective date to August 30, 1991, the date that the court issued its ruling. A retroactive effective date is necessary to avoid the additional unbudgeted expenses and to resolve a legal question as to the Department's responsibilities for other expenses, such as shelter, which the court did not directly address in its decision.

Position Paper
page 2
HB 97

Department's Position The Department of Health and Social Services urges the passage of this bill.

Recommended: Deborah R. Wing Date: 2/5/93
Deborah R. Wing, Director
Division of Family and Youth Services

Approved: Theodore A. Maia Date: 2/5/93
Theodore A. Maia MD, MPH
Commissioner
Department of Health and Social Services

predisposition report will be available to them not less than 10 days before the disposition hearing.

(d) For purposes of this section "parents" means the natural or adoptive parents, and any legal guardian, relative, or other adult person with whom the child has resided and who has acted as a parent in providing for the child for a continuous period of time before this action. (§ 26 ch 63 SLA 1977; am § 17 ch 57 SLA 1991)

Effect of amendments. — The 1991 amendment, effective September 15, 1991, in subsection (a), inserted "a victim im- pact statement reporting the information set out in AS 12.55.022" and added the second sentence.

Sec. 47.10.084. Legal custody, guardianship, and residual parental rights and responsibilities.

NOTES TO DECISIONS

Department's responsibility for medical costs. — The department is responsible for the medical costs of children in its custody, whether the children are placed at home or in a foster home. L.O. v. State, 816 P.2d 1352 (Alaska Ct. App. 1991).

Sec. 47.10.097. Fingerprinting of minors. (a) A peace officer may fingerprint a minor under the same circumstances as an adult may be fingerprinted.

(b) Fingerprint records taken under this section are not subject to AS 47.10.090. (§ 3 ch 121 SLA 1988; am § 1 ch 32 SLA 1991)

Effect of amendments. — The 1991 amendment, effective September 9, 1991, rewrote the section.

Sec. 47.10.120. Support of minor. (a) When a child in need of aid or a delinquent minor is committed under this chapter, the court shall, after giving the parent or legal guardian a reasonable opportunity to be heard, adjudge that the parent or guardian pay to the department in a manner that the court directs a sum that is based on the fee schedule adopted under AS 44.29.022 to cover in full or in part the maintenance and care of the child or minor.

(b) If a parent wilfully fails or refuses to pay the sum fixed, the parent may be proceeded against as provided by law in cases of family desertion and nonsupport.

(c) The sum collected from a parent under this section shall be directly credited to the general fund of the state.

(d) *[Repealed, § 28 ch 90 SLA 1991.]* (§ 13 art I ch 145 SLA 1957; am § 1 ch 31 SLA 1959; am § 1 ch 141 SLA 1959; am § 23 ch 63 SLA 1977; am §§ 88, 89 ch 138 SLA 1986; am § 28 ch 90 SLA 1991)

Sec. 47.10.084. Legal custody, guardianship, and residual parental rights and responsibilities. (a) When a child is committed under AS 47.10.080(b)(1) or (c)(1) to the department or released under AS 47.10.080(b)(2) or (3) or (c)(2) to the child's parents, guardian, or other suitable person, a relationship of legal custody exists. This relationship imposes on the department and its authorized agents or the parents, guardian, or other suitable person the responsibility of physical care and control of the child, the determination of where and with whom the child shall live, the right and duty to protect, train and discipline the child, and the duty of providing the child with food, shelter, education, and medical care. These obligations are subject to any residual parental rights and responsibilities and rights and responsibilities of a guardian if one has been appointed. When parental rights have been terminated, or there are no living parents and no guardian has been appointed, the responsibilities of legal custody include those in (b) and (c) of this section. The department or person having legal custody of the child may delegate any of the responsibilities under this section, except authority to consent to marriage, adoption, and military enlistment may not be delegated. For purposes of this chapter a person in charge of a placement setting is an agent of the department.

(b) When a guardian is appointed for the child, the court shall specify in its order the rights and responsibilities of the guardian. The guardian may be removed only by court order. The rights and responsibilities may include, but are not limited to, having the right and responsibility of reasonable visitation, consenting to marriage, consenting to military enlistment, consenting to major medical treatment, obtaining representation for the child in legal actions, and making decisions of legal or financial significance concerning the child.

(c) When there has been transfer of legal custody or appointment of a guardian and parental rights have not been terminated by court decree, the parents shall have residual rights and responsibilities. These residual rights and responsibilities of the parent include, but are not limited to, the right and responsibility of reasonable visitation, consent to adoption, consent to marriage, consent to military enlistment, consent to major medical treatment except in cases of emergency or cases falling under AS 09.65.100, and the responsibility for support, except if by court order any residual right and responsibility has been delegated to a guardian under (b) of this section. (§ 26 ch 63 SLA 1977)

NOTES TO DECISIONS

The phrase "reasonable visitation" in subsection (c) does not imply an absolute right to visitation; this section should be read in conjunction with the

rest of the chapter to allow parental visits to be barred when the visits are not in the best interests of the child. *K.T.E. v. State*, 680 P.2d 472 (Alaska 1984).

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 97

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: "An act clarifying responsibilities for children in custody of department" BRU: Purchased Services
 Component: Foster Care
 Sponsor: House HESS for DHSS
 Requestor: _____ COMPONENT SERIAL NO. 0252

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill is critical to the Division of Family and Youth Services. There will be no increased costs incurred if this bill passes, but there is a serious potential for a sizeable increase in foster care costs if it does not pass.

Prepared by: Deborah R. Wing, Director
 Division: Department of Health & Social Services
 Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/02/93
 Date: 2/5/93

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Fiscal Note - H + SS

HB

100

HOUSE COMMITTEE REPORT

(9) Date Referred: January 29, 1993 FURTHER REFERRALS: Judiciary

Date of Committee Action: 2-8-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 100

HOUSE BILL NO. 100 PROSECUTION OF JUVENILE FELONS

"An Act relating to criminal charges brought against minors."

- RECOMMENDATIONS: the same title
 be replaced with _____ a new title
- have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal impact Admin - Public Defenders Public fiscal note(s) _____
 zero fiscal note Public Safety H+SS zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X	<i>[Signature]</i>			✓
<i>[Signature]</i>	X	<i>[Signature]</i>	X		
<i>[Signature]</i>	✓	<i>[Signature]</i>		X	

[Signature]
 CHAIRMAN'S SIGNATURE



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE: FEBRUARY 8, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 *HB 114: DRUG DISPENSING: ADV. NURSE PRACT
 *HB 2: DRUG TESTING FOR SCHOOL BUS DRIVE
 *HB 78: TESTIMONY OF MINORS IN CRIMINAL T
 *HB 97: PARENTAL CARE FOR CHILD IN STATE
 *HB 100: PROSECUTION OF JUVENILE FELONS

BILLS HELD OVER FROM PREVIOUS CALENDERS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Eomayne Karsen	Dept. of Education	801 W. 10th St Juneau	99801		465-8652	Y N	Available HB 2
Peter Nakamura	Dept. of Health	A.D.B.			4653090	(Y) N	HB 114
VINCENT USERA	AGO				465-2397	Y N	if needed HB 79
KARL LUCB	DCED	Director Occupational Licensing			5-2538	Y (N)	only if needed HB 114
WELTZIN John W. Wetz	self	STUDENT ASSISTANCE CENTER PUNYA DISTRICT MIDDLE SCHOOL JUNEAU 99801 10014 W. 10th St Juneau			463-1854	Y N	HB 100
Deborah	DFYS				465-3191	(Y) N	HB 97
						Y N	
RENA BURKOVICH LEG. AFFAIRS TO GUYEN MALDEN					-6872	Y N	
JERRY LUCKHART LEG. COUNSEL LEG. AFFAIRS		6200TH AVE JUNEAU, AK 9			-2450	Y N	
						Y N	
						Y N	



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE: FEBRUARY 8, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:
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 *HB 97: PARENTAL CARE FOR CHILD IN STATE
 *HB 100: PROSECUTION OF JUVENILE FELONS

BILLS HELD OVER FROM PREVIOUS CALENDERS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
SHERIFF, GOLL	RUSIA WOMEN'S LEAGUE	P.O. Box 22152, Juneau	99802		463-6744	(Y) N	HB 100
Chris EADY	DIVERSIFIED SVCS DIV	P.O. Box 20845, JUNEAU	99802		586-5365	Y (N)	HB 700
GARY BADER	DOF	801 W. 10th JUNEAU	99802		465-9650	(Y) N	HB 2
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

**** ORDER SUMMARY ****

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY
PURPOSE: PUB PUBLIC HEARING BUNDE
CONTACT: LYNN SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106
TOLL FREE: DIAL-UP: LID: (800)478-9968

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 5 MINUTE LIMIT

SPONSOR REMARKS(LID): BACKUP MATERIAL:N MEETING IN PROGRESS:N MAX. SITES: 5
FOR HB 97, DIANE OLSEN, DEPT. OF LAW WILL BE IN ANCHORAGE TO TESTIFY BY INVITE
TCN REQUESTED ON 02/08/93 AND HAS 4 UPDATES

**** AGENDA ****

- 1 HB 114 DRUG DISPENSING:ADV. NURSE PRACTITIONERS
- 2 HB 97 PARENTAL CARE FOR CHILD IN STATE CUSTODY
- 3 (BY INVITATION ONLY)

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
BAR BARROW	COURTHOUSE #305	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP106	LOCATION STAFF
MAT MATSU	165 E PARKS HWY.	LOCATION STAFF

PARTICIPANTS IN: ANCHORAGE

ANC

- | | | | |
|---|-----------------------|------------------|------------------------|
| 1 | PATRICIA HONG | AK NURSE ASSOC | TSFY. HB 114 |
| | 237 E THIRD, NO 3 | ANCHORAGE | AK 99501 (907)274-0827 |
| 2 | DARYL YOUNG | UAA | TSFY. HB 114 |
| | 3211 PROVIDENCE DRIVE | ANCHORAGE | AK 99508 (907)786-4040 |
| 3 | SUE ANNE JENKENSEN | AK NURSE PRACTIT | TSFY. HB 114 |
| | 237 E THIRD | ANCHORAGE | AK 99501 (907)274-0827 |
| 4 | GAIL MCGUILL | | TSFY. HB 114 |
| | 3601 C STREET | ANCHORAGE | AK 99503 (907)561-2878 |
| 5 | DIANNE OLSEN | | TSFY. HB 97 |
| | 1031 W 4TH AVE | ANCHORAGE | AK 99501 (907)269-5139 |
| 6 | STAN THOMPSON | | OSV. HB 114 |
| | 1018 W 73RD | ANCHORAGE | AK 99518 (907)344-5149 |
| 7 | KAY LAHDENPERA | MOA/DHHS | TSFY. HB 114 |
| | P.O. BOX 196650 | ANCHORAGE | AK 99519 (907)343-4624 |

PARTICIPANTS IN: JUNEAU

JNU

- | | | | |
|---|--------------|----|---------------|
| 1 | REP TOOHEY | | TSFY. HB 114 |
| | | AK | (907)000-0000 |
| 2 | REP BUNDE | | TSFY. HB 114 |
| | | AK | (907)000-0000 |
| 3 | REP G. DAVIS | | TSFY. HB 114 |
| | | AK | (907)000-0000 |
| 4 | REP VEZEY | | TSFY. HB 114 |
| | | AK | (907)000-0000 |
| 5 | REP KOTT | | TSFY. HB 114 |
| | | AK | (907)000-0000 |
| 6 | REP OLBERG | | TSFY. HB 114 |
| | | AK | (907)000-0000 |
| 7 | REP B._DAVIS | | TSFY. HB 114 |

TCN: 30153

DATE & TIME: 02/08/93 15:00 TO 17:00

STATUS:7 STAT2. IN

PARTICIPANTS IN: JUNEAU		JNU	
24	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
35	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
36	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
37	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
38	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
39	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
40	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
41	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
42	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
43	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
44	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
45	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
46	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
47	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
48	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
49	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
50	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
51	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000
52	2	OBSERVE	OBSV. HB 114
			AK (907)000-0000

PARTICIPANTS IN: MATSU	
1 MS	DIXIE
	POB 382

LIGHT	MAT
	HOUSTON

IS FOR THE BILL TSFY. HB 114

AK 99694 (907)892-8804

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 100

Revision Date: _____ Dept. Affected: Public Safety
 Title: " An act relating to criminal charges
brought against minors." BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Bunde
 Requestor: Representative Bunde COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)
 No significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691

Division: Alaska State Troopers Date: 02/05/93

Approved by Commissioner:  Date: 2/5/93

Agency: Richard I. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 100

Revision Date: _____
Title: "An Act relating to criminal charges brought against minors."
Sponsor: Representative Bunde
Requestor: House HESS

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	4.0	4.1	4.2	4.3	4.4	4.5
CONTRACTUAL	48.2	49.6	51.1	52.6	54.2	55.8
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	52.2	53.7	55.3	56.9	58.6	60.3

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	52.2	53.7	55.3	56.9	58.6	60.3
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	52.2	53.7	55.3	56.9	58.6	60.3

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)
See Attached Analysis

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

Phone: 274-1684
Date: _____

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 2/8/93

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CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 100

Passage of HB100 will cause fundamental changes in the way that many juvenile cases are now processed through the justice system. In several important classes of cases the bill would create a presumption that the juvenile is not amenable to treatment and should therefore be waived into adult court. This section of the law will generate many more waiver hearings at which it will be necessary for both the state and the defense to call experts in psychology and psychiatry to provide evidence to the court regarding amenability to treatment.

During calendar 1992 OPA provided representation to approximately 20 juveniles who were subject to current waiver proceedings. It is anticipated that passage of HB100 would generate at least 10 more cases statewide that would involve both waiver proceedings and subsequent proceedings in adult court. Average contractor costs for these cases during calendar 1992 in Anchorage was \$3,820.00. Expert costs are estimated at \$1.0 per case. The contractual costs reflected on the attached fiscal note are therefore \$48.2 for FY94.

The automatic waiver provisions of HB100 are also triggered whenever a juvenile charged with a Class A or Unclassified felony has been previously adjudicated on a felony. This provision is likely to generate many more contested adjudications in juvenile court because any admission to a felony would create the necessary predicate for an automatic waiver if the juvenile was later charged with a serious felony. There is little doubt that HB100 will generate more contested adjudications, but because we are unable to provide any estimate of the cost of such a trend it is not included in the fiscal note.

It should also be noted that one recent waiver case, not yet completed, has already cost this agency \$8,755.00.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 100

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: "An act relating to criminal charges
brought against minors." BRU: Youth Facilities Services
 Component: MYC,FYF,NYF,JYC & BYF
 Sponsor: Representative C. Bunde
 Requestor: _____ COMPONENT SERIAL NO. 0264,0265,0266,0267 & 0268

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE FUND SOURCE						
---------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

See attached for Fiscal Note Analysis

Prepared by: Deborah R. Wing, Director
 Division: Department of Health & Social Services
 Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/05/93
 Date: 2/8/93

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Fiscal Note - H+SS

Fiscal Note
HB 100

ANALYSIS:

This bill would require the charging, prosecuting, and sentencing in adult court juveniles age 15 and older who are alleged to have committed the following crimes:

- murder, attempted murder, or solicited murder;
- an unclassified or A felony and the youth has been previously adjudicated as a delinquent for a felony offense;
- or for a felony of any degree if the minor has been previously convicted as an adult for a felony offense.

Although the bill states that such minors will be charged, prosecuted and sentenced in adult court for the crimes mentioned above, it is unclear where such a minor will be "housed" during each stage of the process. The Department of Health & Social Services assumes that youth convicted and sentenced under the adult system would be incarcerated in adult facilities.

Based on this assumption, there would be no additional costs to the Department resulting from this bill.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 100

Revision Date: _____

Title: "An Act relating to criminal charges brought against minors."

Sponsor: Representative Bunde

Requestor: _____

Department Affected: Administration

BRU: Public Defender Agency

Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	62.3	64.2	66.1	68.1	70.1	72.2
TRAVEL	6.0	6.2	6.4	6.4	6.8	7.0
CONTRACTUAL	15.0	15.5	16.0	16.5	17.0	17.5
SUPPLIES	2.0	0	0	0	0	0
EQUIPMENT	4.0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	89.3	85.9	88.5	91.2	93.7	96.7

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
-----------------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	89.3	85.9	88.5	91.2	93.7	96.7
1005 GF/Proq.	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	89.3	85.9	88.5	91.2	93.7	96.7

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 See Attached

Prepared by: John Salemi, Public Defender
 Division: Public Defender Agency

Phone: 279-7541
 Date: _____

Approved by Commissioner: Nancy Bear Usera
 Agency: Administration

Date: 2/8/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 100

ANALYSIS: (continued)

Fiscal Impact

It is the Public Defender's position that there will be a distinct fiscal impact on this agency if HB 100 passes into law. In prior years when similar legislative proposals were being promoted the Department of Law had suggested that ten (10) or less children would be affected statewide by this type of legislation. The Public Defender Agency is very skeptical of those estimates. The changes proposed provide for automatic waiver of juveniles 15 years of age and older accused of murder, attempted murder and/or solicited murder. This bill also provides for waiver for any 15-year old or above charged with an unclassified or class A felony under certain circumstances. Those circumstances involve the prior criminal/juvenile history of the child in that where a minor has previously been adjudicated as a delinquent in this or another jurisdiction for felony level conduct the case will go to adult court. The Public Defender Agency estimates suggest that there will be at least ten cases in Anchorage which will trigger waiver into adult court under this new proposal. Other areas of the state will generate additional cases.

Other juvenile cases will also be affected by this law in that it will be very important for lawyers representing minors accused of delinquent acts to advise them of the effect of admitting felony level conduct. The minor will be advised that a serious subsequent charge following admission to felony level conduct in a petition of delinquency will result in likely waiver into adult court concomitant with the serious penalties which are available and regularly imposed. The result will be that many more original petitions against minors will be contested in juvenile court. Under the current system most kids "fess up" and little court wrangling occurs as a guilt or innocence. The court and the parties can then focus on therapy and rehabilitation. The new system will undermine this focus and will create a labor intensive adjudicative stage for both prosecution and defense.

In FY 92 the Public Defender Agency processed 17,094 cases with only 54 staff attorneys spread out over 12 office locations. Of these 17,000+ cases, 500 were juvenile delinquency matters. Because juvenile proceedings in the past have been less adversarial than adult court case proceedings, resources were not focused in that arena. If this bill becomes law more resources will be required. Currently in the Anchorage office, for example, one lawyer handles all juvenile matters. In FY 92 she processed 226 cases. (It should be noted that national caseload standards indicate that an attorney handling juvenile delinquency matters should not handle more than 200 cases per year.) This proposal will intensify the litigation in all juvenile cases wherein felony conduct is alleged, will increase the number of waiver cases and will generally change the character of the juvenile justice system, not necessarily for the good.

Given the above the Public Defender Agency will require an additional one-half time attorney with felony level experience as well as a half-time paralegal. This team will work both in Anchorage and Fairbanks to handle waiver petitions and to give support to the general juvenile caseloads at those locations. Some Bush travel may also be required in that juvenile cases are filed all over the state. One final note with respect to fiscal impact--resources for special kinds of cases cannot be evaluated in a vacuum. In the last five years the Alaska Public Defender Agency has experienced a 45 percent increase in its overall caseload. Much of the increase is due to beefed up criminal prosecution efforts on the part of the state. Additionally, Child in Need of Aid cases are skyrocketing, which directly affects the ability of family law lawyers, especially in Anchorage, to devote time to juvenile cases. Given these circumstances, the fiscal note herein is seen as a very modest reaction to the effects of HB 100.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 100

ANALYSIS: (continued)

Budget Analysis

100	Personal Services	
	1/2 Attorney III (Anchorage)	36.5
	1/2 Paralegal Assistant II (Anchorage)	6.0
200	Travel:	
	Professional and Experts	15.0
300	Contractual:	
	Expert Witnesses, office space	15.0
400	Supplies:	2.0
500	Equipment (one-time):	<u>4.0</u>
	TOTAL	89.3

Position Title Attorney III		No. of Positions 1	Range / Step 22/A	Barg. Unit PX
Time Status PPT	Staff Months 6.0	Location Anchorage		Election District 7
TYPE OF EXPENDITURE		AMOUNT		
Salary	26,652.0	Justification Considering the fiscal impact on the Public Defender Agency, it appears that 1/2 attorney with felony level experience will be required as well as the commitment of a half-time paralegal. This attorney and half-time paralegal will likely be sited in the Anchorage office but will be called on to handle waiver petitions in Anchorage, Fairbanks, and certain bush areas.		
Benefits	9,897.0			
Premium Pay				
Other				
Total Personal Services	36,549.0			
Travel	3,000.0			
Contractual	15,000.0			
Commodities	1,000.0			
Equipment	2,000.0			
Other				
Total Cost	57,549.0			
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	57,549.0		
I-A Receipts	1007			
CIP Receipts	1061			
Other				

9/LEG93/03626.kp

Request For New Position

AGENCY ADMINISTRATION

BRU Public Defender Agency

COMPONENT Public Defender Agency

FY 94

Page 4 of 5
Revised Date: _____

Position Title Attorney III		No. of Positions 1	Range / Step 22/A	Barg. Unit PX
Time Status PPT	Staff Months 6.0	Location Anchorage		Election District 7
TYPE OF EXPENDITURE		AMOUNT		
Salary		26,652.0		
Benefits		9,897.0		
Premium Pay				
Other				
Total Personal Services		36,549.0	36,549.0	
Travel			3,000.0	
Contractual			15,000.0	
Commodities			1,000.0	
Equipment			2,000.0	
Other				
Total Cost			57,549.0	
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004		57,549.0	
I-A Receipts	1007			
CIP Receipts	1061			
Other				
Justification Considering the fiscal impact on the Public Defender Agency, it appears that 1/2 attorney with felony level experience will be required as well as the commitment of a half-time paralegal. This attorney and half-time paralegal will likely be sited in the Anchorage office but will be called on to handle waiver petitions in Anchorage, Fairbanks, and certain bush areas.				

9/LEG93/03626.kp

Request For New Position

AGENCY ADMINISTRATION
 BRU Public Defender Agency
 COMPONENT Public Defender Agency

FY 94

Page 4 of 5
 Revised Date: _____

Position Title Paralegal Assistant II		No. of Positions 1	Range / Step 16/A	Barg. Unit GGU
Time Status PPT	Staff Months 6.0	Location Anchorage		Election District 7
TYPE OF EXPENDITURE		AMOUNT		
Salary	18,222.0	Justification Considering the fiscal impact on the Public Defender, it appears that 1/2 attorney with felony level experience will be required as well as the commitment of a half-time paralegal. This attorney and half-time paralegal will likely be sited in the Anchorage office but will be called on to handle waiver petitions in Anchorage, Fairbanks, and certain bush areas.		
Benefits	7,534.0			
Premium Pay				
Other				
Total Personal Services	25,756.0			
Travel	3,000.0			
Contractual	0.0			
Commodities	1,000.0			
Equipment	2,000.0			
Other				
Total Cost	31,756.0			
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	31,756.0		
i-A Receipts	1007			
CIP Receipts	1061			
Other				

9/LEG93/03626.kp

Request For New Position

AGENCY ADMINISTRATION
 BRU Public Defender Agency
 COMPONENT Public Defender Agency

FY 94

Page 5 of 5
 Revised Date: _____



House of Representatives

Sponsor Statement

House Bill 100

Relating to Criminal Charges Brought Against Minors

The current juvenile justice system does not deal effectively with violent or chronic juvenile offenders. House Bill 100 reforms the juvenile justice system allowing for the very small number of serious or habitual juvenile offenders to be treated as adults. In doing so, the legislation balances the needs of society to be protected from dangerous offenders against the importance of treating the vast majority of minors within the juvenile justice system.

Under current law, people under 18 are treated as juveniles. With only one exception, **no matter what crime is committed or how many felony convictions the person has, a person under 18 who is convicted of a crime is released from all state supervision at age 20.** The person must be released even if it is clear that the person continues to present a serious threat to the public safety. The only exception is where the state can prove that the minor is not amenable to treatment as a juvenile.

Until late 1989, in deciding whether a minor was amenable to treatment, the courts relied heavily on the testimony of expert psychiatrists and psychologists. However, in *R.H. V. State*, 777 P. 2d 204 (Alaska App. 1989), the court ruled that requiring minors to be examined by psychiatrists and psychologists to determine amenability to treatment is unconstitutional. Today courts are increasingly being asked to decide whether a minor is or is not amenable to treatment without the benefit of expert testimony.

The level of potential dangerousness presented by teenagers who commit murders, or who commit other serious felonies and have a record of committing felony offenses, is extremely high. In these cases, the courts must have access to the greatest possible amount of information about the minor before making a decision to treat the minor as a juvenile or as an adult. **The only way it is constitutionally possible for the courts to gain access to this type of information is to switch the burden of proving amenability to treatment from the state to the minor.**

House Bill 100 requires a very limited number of minors to prove that they are amenable to treatment as a juvenile before they can be kept within the juvenile justice system. Under HB 100, the burden of proof is shifted **only** when the minor is 15 years of age or older and (1) is charged with murder or attempted or solicited murder; (2) is charged with an unclassified (e.g. forcible rape) or class A felony (e.g. first degree assault) and has previously been adjudicated as a delinquent for a prior felony offense; or (3) has previously been prosecuted as an adult.

Sponsor Statement

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 1, 1993

SUBJECT: House Bill 100, criminal charges against minor--sectional analysis

TO: Representative Con Bunde

FROM: Jack Chenoweth
Legislative Counsel

The measure provides for automatic treatment of certain juveniles 15 years of age and older as adults for purposes of disposition of certain criminal offenses.

Section 1 of the bill provides that a minor under 18, but at least 15, must be tried as an adult if the minor is charged with 1) murder or attempted or solicited murder; 2) an unclassified or class A felony, and the minor has been previously adjudicated delinquent for felonious conduct; or 3) any felony, if the minor has been previously adjudicated delinquent twice for felonious conduct, or has been previously tried and convicted as an adult on a felony charge. The minor must also be tried as an adult on all related charges (e.g., a charge of burglary for breaking into a house to commit a rape).

Under the other changes made by section 1, the minor may petition the court to be tried under juvenile procedures, notwithstanding the charges against him or her. The minor bears the burden of persuading the court that juvenile proceedings would be appropriate, unless the minor contends that he or she cannot be properly tried as an adult (for instance, that he or she has not previously been adjudicated delinquent for felonious conduct). In that case the state bears the burden of proving that the minor has been previously adjudicated delinquent as the state alleges.

Finally, section 1 provides that current law, allowing the state to seek prosecution as an adult of any minor for any offense, remains in effect. (Under current law, the state must show that the minor is not likely to be amenable to treatment before reaching age 20.)

Section 2, adding a new subsection to AS 47.10.060, introduces the opportunity for a minor to present the evidence of a professional that the minor is amenable to

Sectional Analysis

treatment before reaching the age of 20, the threshold requirement to consideration of whether the minor shall be treated as a juvenile or tried as an adult.

Section 3 provides that a minor who is charged as an adult under section 1, but who is convicted only of a lesser offense that would not have given rise to an adult charge under that section, shall have his or her case disposed of under juvenile proceedings. However, the state may petition the court to sentence the minor as an adult, in which case the state must show that the minor would not be amenable to treatment before age 20.

Section 4 provides that the bill, if enacted, would apply only to offenses committed after the effective date of the enactment.

JBG:pl
93-053.plm

February 5, 1993

Rep. Con Bunde
State Capital Building
Juneau, AK

Dear Rep. Bunde:

Thank you for introducing HB100 into the House this session. It will be instrumental in helping to expedite the prosecution of violent juvenile criminals in our justice system. Presently, because of unrealistic burdens put on both the police and prosecution, waiving violent juvenile offenders from juvenile status to adult court can take years. In the mean time, the violent offenders are housed in youth facilities, such as McGlaughlin Youth Center, along side youths whose crimes are non-violent and are excellent chances at rehabilitation. The management at the youth centers then has to deal with "inmates" whose violence has elevated them to hero status among the other juveniles. Obviously, this has a detrimental affect on the youth center as a whole.

The reason that I am both familiar and concerned about the juvenile justice system is that my family was victimized by a violent juvenile. In October of 1989, several members of my family, including myself and my father, found my murdered brothers body shoved in a closet in his suburban Anchorage home. He had been shot three times at close range, the last shot coming at point blank range to the head. The only thing missing from the home was a sports car. The next day, a sixteen year old man was arrested driving Duane's car. He was taken to the police station, and the police, under the advisement of the District Attorney, asked if he wanted his parents called. He declined to have his parents notified, was read his rights in accordance with Miranda, and proceeding to tell in horrifying detail how he had gone to Duane's home for the explicit reason of stealing the car. He had brought with him a stolen .357 magnum. Before the young man left Duane's home he had fired three rounds into Duane, grabbed a 7-up out of the refrigerator and taken the car. He returned to the house twice after the shooting, once to show off the body to a friend, and once to take some beer. The juvenile confessed to all of this on videotape, and then took the police to Service High School, where he had hidden the murder weapon in the woods.

It seemed to everyone involved that this case would come to a relatively speedy conclusion. The DA went as far as to assign the case to an assistant DA that had never tried a murder case before, because this one seemed so easy. In the first actual series of hearings held on the case, Judge Peter Michaleki ruled that the juvenile could not be rehabilitated by his twentieth birthday, and should therefore stand trial in an adult court. Because of the fact that the State had

Letters of Support

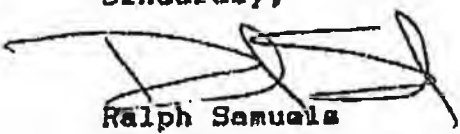
the burden of proof in the waiver proceeding, the juvenile did not have to offer any information whatsoever. It did not come out that the defense had examined the juvenile with their own psychiatrist and had chosen not to make their findings known to the court. It did not come out that the offenders own counselors advised that he not be released. It did not come out that three months prior to the murder, the juvenile had gone through a psychological treatment program at Charter North Hospital. The reason that none of these things came out is because the juvenile did not have to show that he could be rehabilitated, he merely had to hope that the Judge would think he was a nice young man. Even without all of the truth being told at the hearing, Michalaki ruled that the youth be waived to adult court, mostly on the evidence of the videotaped confession.

In the summer of 1991, the appellate court overturned the decision of Michalaki, because, they say, the parents should have been called before the police questioned the suspect. This ruling was made despite the fact that the police CALLED THE DA'S OFFICE PRIOR TO THE QUESTIONING TO BE SURE OF PROCEDURES. The appellate court ruled that the case should go back to Superior Court for another waiver hearing, this time without the confession or any of its "fruits" (i.e. the murder weapon as well as other evidence). By now, two years had passed since the confession.

In late 1991, the Supreme Court agreed to hear the case of the parental notification issue, and in February 1992, held oral arguments on the case. As of February 1993, they have still not made a ruling on the case. The juvenile is approaching the age of twenty, at which time he is supposed to either be released, if he is a juvenile, or tried, if he is an adult.

My family has been forced to listen to the court while they worry about dotted i's and crossed t's for almost four years now, and do not have much hope that this issue will be resolved before its fifth year. All of this for a murderer that was caught and confessed within one day after we found the body. If there had been legislation forcing the sixteen year old to be responsible for his actions, or at least have to prove that he is worthy of another chance, in place at the time of my brothers murder, my family would not have to sit back, month after month, year after year, and wait for justice to take place. It is time that we made violent people of any age responsible to their victims and to society. It only seems fair to give the victims of crimes at least as many rights as the criminals themselves.

Sincerely,



Ralph Samuels
8220 Frank St.
Anchorage, AK 99518-

Paula Lindstam
4431 Riverton Avenue
Anchorage, AK 99515-3657

Representative Con Bunde
State Capitol
Juneau, AK 99801-1182

January 25, 1993

Dear Representative Bunde,

You may remember me. Early in the campaign you stopped at my house to chat. I'm probably one of the few women with a baby on their hip who had a prepared list of questions for you. The questions included abortion, juvenile crime, Native alcoholism, and subsistence.

A particular issue which concerns me is the way crimes committed by juveniles are handled by the State of Alaska. Juveniles who commit violent crimes should not be treated any differently than adults. Juveniles who repeatedly commit misdemeanor crimes should be treated the same as adult offenders.

Someone has sold us a bill of goods which says that juveniles can be "treated" for their social deviancy. There is little evidence that it works. McLaughlin Youth Center keeps no records on which of their charges, when released, go on to commit crimes as adults. Since the records of juvenile offenders are sealed it is impossible to know. It is lamentable that we assume our system is working, but we do not know for sure. Indications are that it does not.

Why does Paula Lindstam care so much about this issue? My brother, Duane Samuels, was murdered October 4, 1989. He woke up one morning and answered his doorbell to find sixteen-year-old Jonathan Norton standing on his doorstep with a .357 in hand. End of story (maybe I should say beginning of story). The case has been in court over three years! Three years! The issue? Whether Norton can be prosecuted. How ridiculous!

Last month in unrelated incidences our church's van and two cars belonging to members of our congregation were stolen. I belong to a very small church. The police suspect juveniles of the thefts. Not much effort is going into apprehension. Cost is the major factor, but there is another

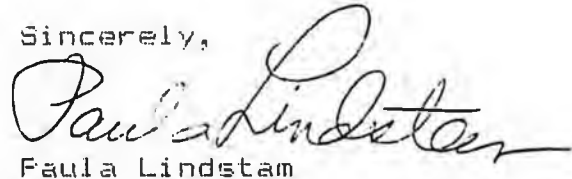
consideration. Why should the police go to any trouble apprehending a juvenile? So they can be "treated" at McLaughlin?

I was approached a few days ago by a friend whose husband is serving a 10+ year sentence for assault. My friend had read a letter to the editor which I wrote on this subject. She feels quite strongly that had her husband not gotten the kid glove treatment as a juvenile he would not have gone on to commit more serious crimes.

My letter to the editor was published January 18 in the Anchorage Daily News. Several people have approached me about supporting a bill on this issue. My brother, Ralph Samuels, was recently interviewed on television regarding our case. Paul Jenkins has written two editorials in The Voice of the Times within the past two months about juvenile crime. We need a bill. Last year's juvenile crime bill died in the House Finance Committee. Please sponsor a juvenile crime package addressing the aforementioned issues. There is a lot of momentum building now, but your help and support is needed.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Paula Lindstam". The signature is written in dark ink and is positioned above the printed name.

Paula Lindstam

Johnny needs discipline

I've always been perplexed by the media, lawmakers and bureaucrats harping about escalating youth crime and violence. It makes for good headlines. But why sensationalize a problem that we are little prepared to correct?

Many elected officials consider themselves to be motivated, committed and forward thinking. These dynamos need to tell us why our 16-year-old murderers have their records wiped clean at 18, leaving an unsuspecting public at risk. I would like to know why lawmakers ignored HB101 last year that would have made it more expeditious to get a teen murderer into adult court where he belongs.

Juvenile law is embodied in Title 47. Its premise is that teen delinquents aren't cognizant of their actions. They don't commit crime, but "crime-like" acts. They can't be punished, only "rehabilitated." Often-times, youth violence results from dysfunctional upbringing. Yet 48 percent don't respond to "rehabilitation," re-offend and are returned to McLaughlin. Could it be that you can't "psycho-instruct" a kid to develop self-esteem?

Maybe Johnny needs to know that regardless of his background, he is to pay consequences for his "crime-like" behavior. We would be doing him a favor. But our legislators failed to consider passage of SB366, for a juvenile boot camp that would expose these kids to discipline, compassion and a sense of accomplishment. This bill was favored by 87 percent polled in the bill sponsor's district.

So what will the Juneau gang do this time around? Health care and budget cuts will be priorities. But if all we get again is lip service to juvenile waivers, boot camp,

parental responsibility, and other Title 47 revisions, then other legislation will be inconsequential to a society interested most in one's personal "rights" to do whatever they please at anyone's expense but their own.

— Jay D. Page, chair
Anchorage Chamber
Crime Prevention Committee

Anch. Daily News 2/4/93

Newspaper - Letters

THE VOICE OF THE TIMES

Some kids need more punishment than slap on hand

By PAUL JENKINS

• Remember Alex Felker? He was the guy clubbed and beaten by five punks as he walked along Spenard Road just before Christmas. Guess what? Three of those same little darlings went on an even more violent spree just days later. This time, the bunch had a gun. This time they hurt someone else.

In the most recent episode, it's alleged they — and a few new buddies — rolled a drunk, tried to carjack a pizza delivery guy, stole a woman's car at gunpoint, shot at a cab driver and attacked and seriously injured a 15-year-old boy waiting in a car for his parents to come out of the Fred Meyer store on Northern Lights.

What else they were up to that night is anybody's guess. But what they did during those two nights could have happened to any of us unfortunate to be in the wrong place at the wrong time.

All these thugs are between 15 and 17 years old. At least two of them are known to juvenile authorities for past property crimes. They have fallen into the category of being the usual suspects when things like this happen. And you wonder why cops get a little cranky.

If there is a recent case that graphically shows why kids involved in violent crimes should automatically be charged and treated as adults, here it is.

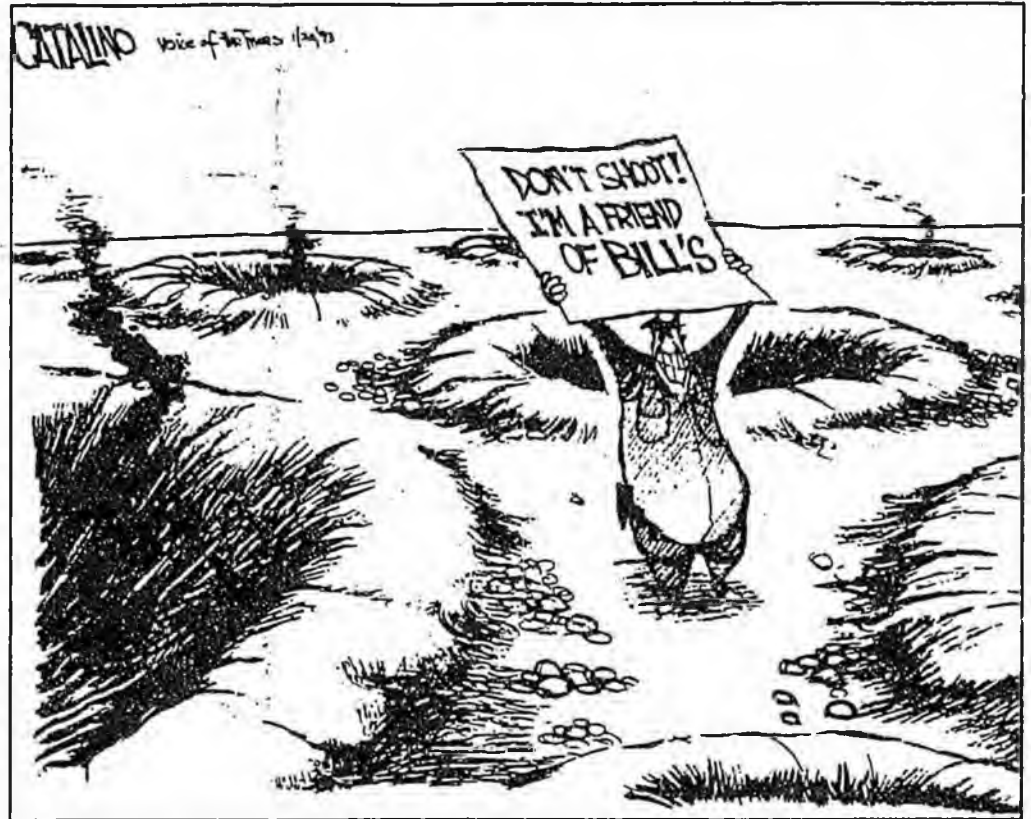
If the three clowns involved in beating Mr. Felker — and who were involved in the crime spree a few days later — had been charged as adults to begin with, they likely would not have been on the street to be involved in the second round of fun. And the knowledge that the law was coming down hard on them may have kept their buddies off the street as well.



Jenkins

As it is now, they have the protection of the juvenile justice system. We don't know who they are. For all we know, they're living next door. We likely won't know what happens to them. But in comparison to what they would have gotten in adult court, they'll just get their little hands slapped. All of this, of course, is designed to let the little dears grow up and become responsible adults without the onus of a criminal record.

That's great. Those same protections saved my butt when I was a punk kid and



went over the line. But then, my friends and I didn't try to shoot anybody or club them or hit them in the head with hockey sticks. We were stupid and insensitive, but we weren't violent.

And teen-agers have not changed. Kids, good kids who will grow up to be good citizens, do crazy, non-violent things. Get them together and the lowest-common-denominator thing goes to work. They become hormones with ears. But, hopefully, it passes. They should be allowed to grow up, get into college, get jobs and proceed with their lives when their brains actually begin to function.

But violent kids can grow up to be violent adults. If they have a career track leading to more and more violence, we should be trying to derail them now, before some poor soul has to deal with them in the middle of the night.

I think when you're 15, 16, 17 years old you should have a vague notion that hurting someone else is wrong, and when you step over the line, you should pay. About 99.5 percent of the kids know that. It's time to deal with those who haven't gotten the word.

This bunch has been lucky twice. They didn't kill anybody, despite their being armed and shooting a gun. Nobody killed them, despite this being a city where any

number of people could, and would love to, shoot back. That kind of luck is not going to hold forever.

It's well past time for a slap on the hand for these kids and others like them who haven't gotten the word that such behavior is wrong.

The Alaska Peace Officers Association is drafting legislation that would be a big step in the right direction.

Among other things, it would:

- Prosecute 16- and 17-year-olds as adults when they are charged with committing a felonious violent crime against a person.

- Retain confidentiality for juveniles charged with misdemeanors for the first crime only. One freebie for dummies like me. After that, it's tell-all and show-all.

- Change the law to make judges consider juvenile records as aggravating circumstances when sentencing a person as an adult.

- Ensure that juvenile court-ordered restitution continues after an offender's 19th birthday. Now, when junior hits 19, such orders cannot be enforced.

It's a start. It's a darned good start.

One thing is certain. Something needs to be done — soon. The system as it stands now is just not working.

Paul Jenkins is an editor of The Anchorage Times.

HB

105

HOUSE COMMITTEE REPORT

(9)

Date Referred: January 29, 1993

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3-26-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 105

HOUSE BILL NO. 105

BOOT CAMP FOR NONVIOLENT FIRST OFFENDERS

"An Act providing for incarceration for nonviolent, youthful first offenders in boot camps operated by the Department of Corrections; creating the Boot Camp Advisory Board in the Department of Corrections; amending Alaska Rule of Criminal Procedure 35; and providing for an effective date."

RECOMMENDATIONS:

be replaced with

CS HB 105 (HESS)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact Corrections

fiscal note(s) _____

zero fiscal note Public Safety, Courts, Admin, Law, H+SS

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X	<i>Hailey Olberg</i>		✓	
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				

[Signature]

CHAIRMAN'S SIGNATURE



Alaska State Legislature

House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE: MARCH 26, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:
HB 105: BOOT CAMP FOR NON-VIOLENT 1ST O
SB 53: ANNULING ABORTION FUNDING REGU
(TELECONFERENCE ONLY)

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Sherrie Gou.	Alaska Women's Lobby	P.O. Box 22156 Jno	99602		463-6744	<input checked="" type="radio"/>	N	SB53
✓ BILL BURK	SELF	PO BOX 240742 DANVILLE	99824	460-6019		<input checked="" type="radio"/>	N	SB53
Carole Evans	Antenor AK Women's Council	1012 Seawind Lane	99709	478-5008	486-7740	<input checked="" type="radio"/>	N	SB53
						<input type="radio"/>	N	
NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
✓ Leg. Middag	Myself	643 Sunset Drive Ketchikan	99901	225-2290		<input type="radio"/>	N	SB53
✓ Judy Jensen	"	2326 Ketchikan	99901	225-5889		<input type="radio"/>	N	SB53
✓ Rita Coy	AAUW					<input type="radio"/>	N	
						<input type="radio"/>	N	
						<input type="radio"/>	N	

3/26/93

LTH1100-R01
04/04/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
15:32:26

TCN: 30415 DATE & TIME: 03/26/93 15:00 TO 17:00 STATUS:7 STATS. IN

***** ORDER SUMMARY *****

SPONSOR: HNES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS. TOOHEY
PURPOSE: PUB PUBLIC HEARING BUNDE
CONTACT: LYNNE SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 2 MINUTE LIMIT
THIS TELECONFERENCE IS SCHEDULED PENDING REFERRAL OF SB 53 TO THE HESS
COMMITTEE. TESTIMONY IS LIMITED TO 2 MINUTES. SITKA JOINING AT 3:30.
TCN REQUESTED ON 03/26/93 AND HAS 10 UPDATES

***** AGENDA *****

1 SB 53 ANNULLING ABORTION FUNDING REGULATIONS

***** PARTICIPATING LIOS *****

ANC ANCHORAGE	311' C STREET	LOCATION STAFF
DJT DELTA JCT.	JARVIS CTR. #210	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP106	LOCATION STAFF
KOT KOTZEBUE	333 FRONT STREET	LOCATION STAFF
KTN KETCHIKAN	352 FRONT STREET	LOCATION STAFF
MAT MATSU	165 E PARKS HWY.	LOCATION STAFF
SIT SITKA	210 LAKE STREET	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF
TOK TOK LIO	MP 1314 AK. HWY	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF

***** VOLUNTEER & OFFNET SITES *****

VAL COR CORDOVA CITY HALL LORI DENSON (907)424-6200

PARTICIPANTS IN: ANCHORAGE

ANC

1	BONNIE JACK	ANCHORAGE	TSFY. SB 53
	1063 W 20TH AVE.	ANCHORAGE	AK 99503 (907)279-4836
2	ANNALEE MCCONNELL	ANCHORAGE	TSFY. SB 53
	224 W. 23RD	ANCHORAGE	AK 99503 (907)277-4822
3	MYRNA MAYNARD	ANCHORAGE	TSFY. SB 53
	2237 FOREST PARK DR.	ANCHORAGE	AK 99517 (907)272-3357
4	SHERYL JACOBSON	ANCHORAGE	UBSV. SB 53
	614 FISCHER	ANCHORAGE	AK 99518 (907)563-7409
5	RANDALL BURNS	ANCHORAGE	TSFY. SB 53
	PO BOX 201844	ANCHORAGE	AK 99520 (907)258-0044
6	BETH HARTT	ANCHORAGE	UBSV. SB 53
	5800 LAKE OTIS PKWY. 329	ANCHORAGE	AK 99520 (907)000-0000

PARTICIPANTS IN: DELTA JCT

DJT

1 MR.	ROY MOONEYHAM	DELTA JCT.	TSFY. SB 53
	BOX 1275	DELTA JCT.	AK 99737 (907)895-1978
2 MS.	BARBARA RAWALT	DELTA JCT.	TSFY. SB 53
	BOX 823	DELTA JCT.	AK 99737 (907)895-1946
3 MR.	MICHAEL RAWALT	DELTA JCT.	TSFY. SB 53
	BOX 823	DELTA JCT.	AK 99737 (907)895-1946
4 MR.	DAVID ARNEGARD	DELTA JCT.	TSFY. SB 53
	BOX 138	DELTA JCT.	AK 99737 (907)895-1930
5 MS.	DEBRA JOSLIN	DELTA JCT	TSFY. SB 53
	BOX 377	DELTA JCT	44 737 895-4565

PARTICIPANTS IN: DELTA JCT.			DJT	
	BOX 377		DELTA JCT.	AK 99737 (907)895-4565
6 MS.	JULIE BRENNAN			TSFY. SB 53
	BOX 1165		DELTA JCT.	AK 99737 (907)895-5153
7 MR.	TOM MCBRIDE			TSFY. SB 53
	BOX 779		DELTA JCT.	AK 99737 (907)895-4009
8 MS.	KENNA DUBOIS			TSFY. SB 53
	BOX 702		DELTA JCT.	AK 99737 (907)895-4851
9 MS.	JENNY EAST-COLE			TSFY. SB 53
	BOX 1347		DELTA JCT.	AK 99737 (907)895-4079
10 MR.	MATTHEW JUSTIN			OBVS. SB 53
	BOX 377		DELTA JCT.	AK 99737 (907)895-4565
11 MS.	ABBY BRENNAN			OBVS. SB 53
	BOX 1165		DELTA JCT.	AK 99737 (907)895-5153
12 MS.	HANNAH BRENNAN			OBVS. SB 53
	BOX 1165		DELTA JCT.	AK 99737 (907)895-5153
13 MS.	CHRISTIE DUBOIS			OBVS. SB 53
	BOX 702		DELTA JCT.	AK 99737 (907)895-4851
14 MR.	SAM COLE			OBVS. SB 53
	BOX 1347		DELTA JCT.	AK 99737 (907)895-4079
15 MS.	SELINA COLE			OBVS. SB 53
	BOX 1347		DELTA JCT.	AK 99737 (907)895-4079
16 MR.	SETH BRENNAN			OBVS. SB 53
	BOX 1165		DELTA JCT.	AK 99737 (907)895-5153

PARTICIPANTS IN: FAIRBANKS			FBX	
1 MR.	JOHN KNUTSON			TSFY. SB 53
	2010 LISGA ST.		FAIRBANKS	AK 99701 (907)452-7747
2 MS.	EVELYN FRISK		INTERIOR AWPC	TSFY. SB 53
	BOX 10465		FAIRBANKS	AK 99710 (907)457-2552
3 MS.	RUTH EWIG		NACE/CEE	TSFY. SB 53
	2325 30TH AVE.		FAIRBANKS	AK 99701 (907)452-5538
4 MS.	MEG GAYDOSIK		AAUW-AK	TSFY. SB 53
	1024 FIFTH AVE.		FAIRBANKS	AK 99701 (907)456-8389
5 MS.	KRIS GROSS		AK PTL	TSFY. SB 53
	1111 ELIZ ST.		NORTH POLE	AK 99705 (907)488-8602
6 MS.	NANCY KOHN			TSFY. SB 53
	2060 AMY-DYLAN		FAIRBANKS	AK 99712 (907)488-0329
7 MS.	LISA PENALVER		COALITION CHOICE	OBVS. SB 53
	1166 SKYLINE DR.		FAIRBANKS	AK 99712 (907)457-1458

PARTICIPANTS IN: JUNEAU			JNU	
1 REP.	CON BUNDE			TSFY. SB 53
				AK (907)000-0000
2 REP.	CYNTHIA TOOHEY			TSFY. SB 53
				AK (907)000-0000
3 REP.	HARLEY OLBERG			TSFY. SB 53
				AK (907)000-0000
4 REP.	BETTYE DAVIS			TSFY. SB 53
				AK (907)000-0000
5 REP.	IRENE NICHOLIA			TSFY. SB 53
				AK (907)000-0000
6 REP.	TOM BRICE			TSFY. SB 53
				AK (907)000-0000

TCN: 30415 DATE & TIME: 03/26/93 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN: JUNEAU

JNU

7 REP.	GARY	DAVIS		TSFY. SB 53
			AK	(907)000-0000
8 REP.	AL	VEZEY		TSFY. SB 53
			AK	(907)000-0000
9 REP.	PETE	KOTT		TSFY. SB 53
			AK	(907)000-0000
10	TESTIFIER	1		TSFY. SB 53
			AK	(907)000-0000
11	TESTIFIER	2		TSFY. SB 53
			AK	(907)000-0000
12	TESTIFIER	3		TSFY. SB 53
			AK	(907)000-0000
13	TESTIFIER	4		TSFY. SB 53
			AK	(907)000-0000
14	TESTIFIER	5		TSFY. SB 53
			AK	(907)000-0000
15	TESTIFIER	6		TSFY. SB 53
			AK	(907)000-0000
16	TESTIFIER	7		TSFY. SB 53
			AK	(907)000-0000
17	OBSERVER	1		OBSV. SB 53
			AK	(907)000-0000
18	OBSERVER	2		OBSV. SB 53
			AK	(907)000-0000
19	OBSERVER	3		OBSV. SB 53
			AK	(907)000-0000
20	OBSERVER	4		OBSV. SB 53
			AK	(907)000-0000
21	OBSERVER	5		OBSV. SB 53
			AK	(907)000-0000
22	OBSERVER	6		OBSV. SB 53
			AK	(907)000-0000
23	OBSERVER	7		OBSV. SB 53
			AK	(907)000-0000

PARTICIPANTS IN: KOTZEBUE

KOT

1 MRS.	GLEND A	TABOR	SELF	TSFY. SB 53
	BOX 325		KOTZEBUE	AK 99752 (907)442-3168

PARTICIPANTS IN: KETCHIKAN

KTN

1 MS	CONNIE	EMMERT		TSFY. SB 53
	BOX 7191		KETCHIKAN	AK 99901 (907)225-8811
2 MS	HEATHER	MUENCH		TSFY. SB 53
	BOX 6811		KETCHIKAN	AK 99901 (907)225-5372
3 MS	TERESA	CREVIER		TSFY. SB 53
	1123 BLACK BEAR RD.		KETCHIKAN	AK 99901 (907)225-6588
4 MS	KAREN	DANGERFIELD		UNABL SB 53
	BOX 3013		KETCHIKAN	AK 99901 (907)225-7434
5 MS	MARSHA	GEORGE		UNABL SB 53
	1926 CUB COURT		KETCHIKAN	AK 99901 (907)225-2490
6 MS	KATHY	HINSON		UNABL SB 53
	BOX 9060		KETCHIKAN	AK 99901 (907)225-9133
7 MS	MILDRED	RHODES		UNABL SB 53

PARTICIPANTS IN KETCHIKAN

KTN

	130 BRYANT ST. #115			AK 99901 (907)225-7669
8 MS.	ELINDRE JACOBSEN			UNABL SB 53
	2125 SECOND AVE.	KETCHIKAN		AK 99901 (907)225-3395
9 MS.	JANICE DAREFF			UNABL SB 53
	963A FOREST PARK	KETCHIKAN		AK 99901 (907)225-4333
10 MR.	WILLIAM FREER			UNABL SB 53
	748 MILLAR RIDGE	KETCHIKAN		AK 99901 (907)225-5071
11 MS.	DEBBI LAWE			UNABL SB 53
	BOX 1019	WARD COVE		AK 99928 (907)225-8095
12 MR.	JOHN THOMAS			OBSV. SB 53
	BOX 845	KETCHIKAN		AK 99901 (907)225-8080
13 MR.	PATRICK SINNOTT			OBSV. SB 53
	GEN. DEL.	KETCHIKAN		AK 99901 (907)000-0000

PARTICIPANTS IN MATSU

MAT

1 MR.	DICK STOFFEL			TSFY. SB 53
	1352 PIONEER DR.	WASILLA		AK 99654 (907)376-1691
2 MS.	KATIE HURLY			OBSV. SB 53
	P.O. BOX 870157	WASILLA		AK 99687 (907)376-5736
3 MR.	JOHN DAVIES			TSFY. SB 53
	P.O. BOX 870478	WASILLA		AK 99687 (907)373-2450

PARTICIPANTS IN SITKA

SIT

1 MS.	VIRGINIA PHILLIPS			TSFY. SB 53
	404 LAKE ST.	SITKA		AK 99835 (907)747-8024
2 MS.	ALICE YOUNG			TSFY. SB 53
	BOX 6161	SITKA		AK 99835 (907)747-5155
3 MR.	CHARLES HORAN			TSFY. SB 53
	403 LINCOLN ST.	SITKA		AK 99835 (907)747-6666
4 MS.	BETSY MEANS			OBSV. SB 53
	307 TLINGET WAY	SITKA		AK 99835 (907)747-6.78
5 MR.	WILLARD MEANS			OBSV. SB 53
	307 TLINGET WAY	SITKA		AK 99835 (907)747-6778

PARTICIPANTS IN KEN/SOL

SOL

1 MRS.	DEBORAH L. MORRIS		SELF	TSFY. SB 53
	304 STERLING CT.	KENAI		AK 99611 (907)283-8459
2 MRS.	JOYCE M. MOLDENHAUER		SELF	TSFY. SB 53
	BOX 595	STERLING		AK 99672 (907)262-9319
3 MS.	ANN PENCE		WRCC	TSFY. SB 53
	325 S. SPRUCE	KENAI		AK 99611 (907)283-9479
4 MS.	NANCY ROLLINS		SELF	TSFY. SB 53
	BOX 1492	SOLDOTNA		AK 99669 (907)262-4273
5 MRS.	JOAN B. SCHRADER		SELF	OBSV. SB 53
	BOX 1587	KENAI		AK 99611 (907)283-4359
6 MR.	MARK N. MOLDENHAUER		SELF	TSFY. SB 53
	BOX 595	STERLING		AK 99611 (907)262-9319

PARTICIPANTS IN TOK LIO

TOK

1 MR.	TERRY PRUETT		FAITH CHAPEL	OBSV. SB 53
	P.O. BOX 57	TOK		AK 99780 (907)883-4771
2 MS.	MELLIE TERWILLIGER			TSFY. SB 53
	P.O. BOX 206	TOK		AK 99780 (907)883-5351

LTN1100-R01
04/04/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 05
15:32:26

TCN: 30415 DATE & TIME: 03/26/93 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN VALDEZ VAL
1 MR. GREG WILLIAMS KCHU OBSV. SB 53
 BOX 467 VALDEZ AK 99686 (907)835-4665

PARTICIPANTS IN CORDOVA VAL COR
1 MR. RALPH E. LOHSE TSFY. SB 53
 BOX 14 CORDOVA AK 99574 (907)424-7170

2 MS. ROSEANN CURRAN TSFY. SB 53
 BOX 42 CORDOVA AK 99574 (907)424-7642

3 MR. M. E. MCWILLIAMS OBSV. SB 53
 BOX 1901 CORDOVA AK 99574 (907)424-5317

H/HESS ROLL CALL FORM

BILL CSHB105 DATE 3/26/98
 TAPE 93-48 NUMBER 172
 SUBJECT OF VOTE to pass CSHB105 w/ IND RECS

MEMBER	YEA	NAY	ABS
46- Rep. Cynthia Toohey	<input checked="" type="checkbox"/>	___	___
Rep. Con Bunde	<input checked="" type="checkbox"/>	___	___
Rep. Gary Davis	<input checked="" type="checkbox"/>	___	___
Rep. Al Vezey	<input checked="" type="checkbox"/>	___	___
Rep. Pete Kott	___	___	___
Rep. Harley Olberg	___	___	___
Rep. Bettye Davis	<input checked="" type="checkbox"/>	___	___
Rep. Irene Nicholia	<input checked="" type="checkbox"/>	___	___
Rep. Tom Brice	___	___	___

TOTAL 6-2

PASS

+++++

BILL _____ DATE _____
 TAPE 93- _____ NUMBER _____
 SUBJECT OF VOTE _____

MEMBER	YEA	NAY	ABS
Rep. Con Bunde	___	___	___
Rep. Gary Davis	___	___	___
Rep. Al Vezey	___	___	___
Rep. Pete Kott	___	___	___
Rep. Harley Olberg	___	___	___
Rep. Bettye Davis	___	___	___
Rep. Irene Nicholia	___	___	___
Rep. Tom Brice	___	___	___
Rep. Cynthia Toohey	___	___	___
TOTAL	___	___	___

ALASKA STATE LEGISLATURE

COMMITTEES:

- Community and Regional Affairs
- Military and Veteran's Affairs

BUDGET SUBCOMMITTEES:

- Department of Education
- Department of Military and Veterans Affairs

CO-CHAIRMAN:

Anchorage Caucus



DURING SESSION:
STATE CAPITOL BUILDING
JUNEAU, ALASKA 99801-1182
(907) 465-2199

HOME:
17121 FOOTHILL AVENUE
EAGLE RIVER, ALASKA 99577

REPRESENTATIVE ED WILLIS

DISTRICT 25

Birchwood • Chugiak • Eagle River • Fire Lake • Peters Creek

Memorandum

TO: Rep. Con Bunde, Co-Chair
Rep. Cynthia Toohey, Co-Chair
House HESS Committee

FROM: Rep. Ed Willis *EW*

DATE: March 26, 1993

RE: House Bill 105 - Boot Camp
Proposed CS

Attached are the following:

- Work Draft Blank CS for HB 105 (8-LS0467\J)
- Memorandum to Commissioner Rupp
- Memorandum to Rep. Vezey
- Memorandum to Rep. Nicholia

The changes made in the work draft are as follows:

A. Page 1, Lines 2-3 . Title change to allow contract out option as requested by Rep. Nicholia and with suggested amendment by Rep. Vezey.

B. Page 1, Lines 9-13, and Page 2, Lines 1-4. Allows for first-time, nonviolent misdemeanor offenders with sentences over 150 days to be sentenced to the program. Change suggested by Commissioner Rupp.

C. Page 2, Line 22. Includes "personal accountability and the work ethic" in the requirements for the boot camp program. Change suggested by Commissioner Rupp.

D. Page 3, Lines 7-11. Adds the language for contracting out. Change suggested by Rep. Nicholia with incorporation of change suggested by Rep. Vezey. This provision would allow the Department to contract with profit organizations, nonprofit



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organizations, or other persons who meet the guidelines to be developed by the Department. For your information, "person" is defined in A.S. 01.10.060(8) as:

. . .includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;

E. Page 3, Lines 12-25. Changes the reporting requirements to accommodate Commissioner Rupp's concerns about the Department's lack of a Management Information System.

F. Page 3, Lines 26-31, and Page 4, Lines 1-11. Changes made here are to conform to the change reference in "A." above. Change suggested by Commissioner Rupp.

I apologize for the delay in getting this information to you. The work draft had to be redrafted when it was not complete the first time around and I only received it last yesterday.

Thank you for your assistance regarding this matter.

Attachment

8-LS0467J-
Luckhaupt
3/25/93

CS FOR HOUSE BILL NO. 105()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES WILLIS, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for incarceration for nonviolent, youthful first offenders in boot
2 camps operated by the Department of Corrections; allowing the Department of
3 Corrections to contract with a person for an alternative boot camp program;
4 creating the Boot Camp Advisory Board in the Department of Corrections;
5 amending Alaska Rule of Criminal Procedure 35; and providing for an effective
6 date."

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

8 * Section 1. AS 12.55.015 is amended by adding a new subsection to read:

9 (g) If the defendant is ordered to serve a definite term of continuous
10 imprisonment of at least 150 days under (a) of this section, and if (1) the defendant
11 is less than 26 years of age; (2) the offense the defendant is convicted of (A) is the
12 defendant's (i) first felony conviction; or (ii) first misdemeanor conviction; and (B) is
13 not a violation of AS 11.41, AS 11.46.300, 11.46.400, AS 11.56.300, 11.56.810,

1 AS 11.61.100, 11.61.190, 11.61.195, or 11.61.240; and (3) the defendant has not
 2 previously participated in a boot camp program under AS 33.30.182, the court may
 3 recommend that the defendant be incarcerated in a boot camp program established
 4 under AS 33.30.

5 * Sec. 2. AS 33.30 is amended by adding new sections to read:

6 ARTICLE 2A. BOOT CAMP PROGRAM.

7 Sec. 33.30.182. BOOT CAMP PROGRAM. (a) The commissioner shall
 8 establish a boot camp program as a correctional facility of the state. The boot camp
 9 program is an alternative correctional facility and program for young prisoners who
 10 have been sentenced for a first felony or first misdemeanor conviction of a nonviolent
 11 nature and who have not previously participated in the boot camp program. Prisoners
 12 committed by the department to participate in the boot camp program shall be housed
 13 separately from other prisoners committed to the custody of the commissioner who are
 14 not participating in the program.

15 (b) The commissioner shall include in the boot camp program

16 (1) a militarily styled intensive physical training and discipline
 17 program;

18 (2) alcohol and drug counseling, education, and treatment as an integral
 19 part of the program;

20 (3) educational and vocational assessment and a training program
 21 emphasizing job seeking skills;

22 (4) training in personal accountability and the work ethic; and

23 (5) other educational, counseling, and treatment programs as determined
 24 by the department or as ordered by a court under AS 12.55.015.

25 (c) The commissioner shall structure the boot camp program in a manner that
 26 a prisoner entering the program may complete it in a period of time determined by the
 27 commissioner but not greater than 150 days.

28 (d) The commissioner shall notify the sentencing court when the commissioner
 29 accepts a prisoner for the boot camp program. If the prisoner successfully completes
 30 the program, as determined by the commissioner, the prisoner shall be automatically
 31 referred to the sentencing court so that the prisoner may make a motion for sentence

1 reduction and placement on supervised probation. A prisoner shall be removed from
2 the boot camp program and reassigned to another correctional facility if the prisoner
3 fails to successfully complete the program or otherwise fails to abide by the regulations
4 of the program.

5 (e) The commissioner shall adopt regulations to implement AS 33.30.182 -
6 33.30.184 and otherwise administer the boot camp program.

7 (f) Notwithstanding AS 33.30.031, the department may contract with a person
8 for an alternative boot camp program under this section. An alternative boot camp
9 program must meet all of the requirements for a boot camp under this section and
10 under the regulations adopted by the commissioner. Prisoners shall be assigned to an
11 alternative boot camp program in the manner provided under AS 33.30.183.

12 (g) The commissioner shall maintain records of the program and shall annually
13 report to the legislature not later than February 1 on the program and its effectiveness.
14 The report should include, to the extent the technological capability of the department
15 allows,

16 (1) a comparison of recidivism rates between prisoners who have
17 completed the boot camp program and

18 (A) other first offenders not eligible for the program who are
19 committed to the custody of the commissioner; and

20 (B) all other prisoners committed to the custody of the
21 commissioner;

22 (2) a comparison of costs between the boot camp program and
23 traditional incarceration programs;

24 (3) a description of the number of prisoners who have participated in,
25 completed, or failed the boot camp program.

26 Sec. 33.30.183. ELIGIBILITY FOR ASSIGNMENT TO BOOT CAMP
27 PROGRAM. (a) The commissioner may not allow a prisoner to serve time in the
28 boot camp program unless the commissioner specifically finds that the prisoner meets
29 the eligibility requirements of this section.

30 (b) To be eligible to serve time in the boot camp program, the

31 (1) prisoner

- 1 (A) must be under 26 years of age;
- 2 (B) must have been sentenced to a term of imprisonment of at
- 3 least 150 days;
- 4 (C) may not have previously participated in a boot camp
- 5 program under AS 33.30.182;
- 6 (2) offense for which the prisoner is committed
- 7 (A) must be a first felony conviction or a first misdemeanor
- 8 conviction; and
- 9 (B) may not be for a violation of AS 11.41, AS 11.46.300,
- 10 11.46.400, AS 11.56.300, 11.56.810, AS 11.61.100, 11.61.190, 11.61.195, or
- 11 11.61.240.

12 Sec. 33.30.184. ADVISORY BOARD. (a) The Boot Camp Program Advisory

13 Board is established in the department. The board shall review and provide advice to

14 the commissioner concerning the boot camp program. The members of the board are

15 appointed by the governor as follows:

- 16 (1) the commissioner or the commissioner's designee;
- 17 (2) the director of the division of institutions of the department;
- 18 (3) the director of the division of community corrections of the
- 19 department;
- 20 (4) a member of the house of representatives;
- 21 (5) a member of the senate;
- 22 (6) a superior court judge; and
- 23 (7) two public members.

24 (b) The public members of the board are entitled to per diem and travel

25 expenses authorized by law for boards and commissions under AS 39.20.180.

26 * Sec. 3. Alaska Rule of Criminal Procedure 35 is amended by adding a new subsection

27 to read:

- 28 (e) Notwithstanding (a) or (b) of this section, the court shall reduce a sentence,
- 29 by suspending the execution of any remaining term of imprisonment, even below any
- 30 minimum term set by law, and imposing a period of probation under conditions set by
- 31 the court that include a requirement for active supervision, within 180 days of the day

1 the sentence was imposed, or within 180 days of the day on which jurisdiction over
2 the case is returned to the trial court under Appellate Rule 507(b), unless the defendant
3 petitions the United States Supreme Court for certiorari, in which case the 180 days
4 commences on the day that the Alaska Supreme Court denies relief if a defendant who
5 is automatically referred to the court upon successful completion of a boot camp
6 program under AS 33.30 moves for a reduction of sentence.

7 * Sec. 4. This Act takes effect July 1, 1993.

ALASKA STATE LEGISLATURE

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- Military and Veteran's Affairs

BUDGET SUBCOMMITTEES:

- Department of Education
- Department of Military and Veterans Affairs

CO-CHAIRMAN:

Anchorage Caucus



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JUNEAU, ALASKA 99801-1182
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HOME:
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EAGLE RIVER, ALASKA 99577

REPRESENTATIVE ED WILLIS

DISTRICT 25

Birchwood • Chugiak • Eagle River • Fire Lake • Peters Creek

SPONSOR STATEMENT FOR HOUSE BILL 105

I introduced House Bill 105, relating to boot camps for nonviolent, youthful, first-time offenders, because I feel that putting this type of offender in a prison setting is not the best way to rehabilitate this person. I believe that providing an alternative to prison time and an opportunity to learn discipline and acceptable behavior will offer these first-time offenders a chance to avoid further encounters with the law.

The bill would offer the boot camp as an alternative sentence for first-time convicted defendants under the age of 26. Defendants convicted of such crimes as homicide, assault, kidnapping, sexual offense, and offenses involving the use of a deadly weapon would not be eligible for this sentencing option. The emphasis here is on nonviolent first-time offenders.

At least 24 states currently operate boot camp programs. As can be expected, each state offers the program to different groups. For example, Virginia's program currently is limited to nonviolent, male felony offenders 24 years of age or under and does not allow felons convicted of murder, manslaughter, kidnapping, sexual assault, etc. to participate in this program. Massachusetts' program is for male offenders under the age of 40. Ohio's Cuyahoga County has a program for juveniles between the ages of 14 and 17.

My bill concentrates on persons who would be in the custody and control of the Department of Corrections, i.e., adults and juveniles who have been tried in adult courts and are no longer under the purview of the Department of Health and Social Services.

I have submitted to the committee various articles and studies concerning boot camp programs. I believe that the program outlined by the Department of Corrections in its fiscal note to this bill is feasible and will ultimately provide benefits to the state.

I believe that a boot camp program could help us address many problems from prison overcrowding to recidivism rates and the program has the potential of providing us with many long-term benefits. I would urge positive consideration of this bill.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 1, 1993

SUBJECT: Sectional Summary of HB 105 (Work Order No. 8-LS0467A)

TO: Representative Ed Willis
Attn: Janet Seitz

FROM: Jerry Luckhaupt *JLB*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 12.55.015 by adding a new subsection (g) that permits a sentencing court to recommend that a first-time felony offender, under the age of 26, who was not convicted of a violation of AS 11.41,^{1/} AS 11.46.300,^{2/} AS 11.46.400,^{3/} AS 11.56.300,^{4/} AS 11.56.810,^{5/} AS 11.61.100,^{6/} AS 11.61.190,^{7/} AS 11.61.195,^{8/} or AS 11.61.240.^{9/}

^{1/} Crimes against persons, including, e.g., murder, manslaughter, assault, sexual assault, and sexual abuse.

^{2/} Burglary in the first degree.

^{3/} Arson in the first degree.

^{4/} Escape in the first degree.

^{5/} Terroristic threatening.

^{6/} Riot.

^{7/} Misconduct involving weapons in the first degree.

^{8/} Misconduct involving weapons in the second degree.

^{9/} Criminal possession of explosives.

Sectional Summary

Section 2 of the bill is the statutory "meat" of the bill. It creates:

AS 33.30.182 which establishes a boot camp program as a correctional facility of the state; describes what the boot camp program involves (militarily styled discipline and physical training, counseling, training); requires the boot camp program to be designed so as to be completed within 150 days; automatically refers a prisoner who successfully completes the program to the sentencing court to file a motion for sentence reduction and for placement on supervised probation; requires prisoners who fail the program to be reassigned to other correctional institutions; requires the commissioner to adopt regulations; and requires the commissioner to report to the legislature.

AS 33.30.183 limits the prisoners eligible for assignment to the boot camp program to first felony offenders, under 26 years of age, who did not violate AS 11.41, AS 11.46.300, AS 11.46.400, AS 11.56.300, AS 11.56.810, AS 11.61.100, AS 11.61.190, AS 11.61.195, or AS 11.61.240.

AS 33.30.184 creates a boot camp advisory board.

Section 3 of the bill amends Alaska Rule of Criminal Procedure 35 by requiring a court to grant a sentence reduction imposing supervised probation on a defendant that successfully completes the boot camp program.

Section 4 of the bill provides an effective date.

GPL:lmb:gc
93-014.lmb

Alaska State Legislature

Legislative Research Agency



130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 465-3991
Fax: (907) 463-3351

February 11, 1993

MEMORANDUM

TO: Representative Ed Willis

FROM: Patricia Young *P. Young*
Legislative Analyst

RE: **Boot Camps for Young Offenders**
Research Request 93.100

You asked for information about boot camps for young offenders. Specifically, you wished to know the age of participants, the type of crimes represented, the length of sentence, and the number of offenders typically in the programs. You were particularly interested in boot camp programs running in Virginia, Massachusetts, and Cuyahoga County, Ohio.

According to a *State Legislative Report*, "Prison Boot Camps: Policy Considerations and Options," (Denver: National Conference of State Legislatures, March 1991; attached) boot camps are generally military-style programs requiring team cooperation for highly disciplined drills, marching, and labor. Most such programs are designed for non-violent first-time felony offenders with relatively short sentences. Typically they are designed for young adults between the ages of 17 and 25, require a certain degree of physical and mental fitness, last from 60 to 180 days, and represent an alternative to incarceration. Although few data exist to evaluate the effectiveness of boot camp programs, particularly their long-term effectiveness, they are popular: at least 24 states currently operate such programs.

Despite their similarities, boot camp programs vary in structure and focus. A brief comparison of the programs in Virginia, Massachusetts, and Cuyahoga County, Ohio, illustrate some of the differences.

The Virginia Program

The Virginia program appears to be the most standard among the three. At its inception--mid-April of 1991--eligibility was limited to nonviolent, male felony offenders between the ages of 18 and 24 years at the time of sentencing. (Last year the age restriction was changed

"Boot Camps for Young Offenders" - Legislative Research

Representative Willis
February 11, 1993
Page 2

to 24 years or under at the time of conviction, with no minimum age limit.) Misdemeanants are ineligible, as are felons convicted of murder, manslaughter, kidnapping, sexual assault, malicious wounding, robbery, or any attempt to commit any of these crimes. Camp capacity is 100 participants, and platoons of 30 to 45 individuals enter each month. To date, 522 participants have gone through the Virginia program.

The program is voluntary, lasts 90 days, and represents a condition of supervised probation in lieu of a penitentiary sentence. The primary emphasis is on discipline. Corrections officers involved in the boot camp program receive U.S. Marine Corps training as drill officers, and an offender's sole contact for the first two weeks of the program is with the drill officer.

Following the two-week orientation come program components involving labor, general education, substance abuse education, life skills development, vocational assessment, and some social education. Although participants are not taught vocation skills as such, manual labor is believed to help them develop a work ethic. The camp is located on a 2,600-acre farm, so offenders are employed as farm laborers. Labor for community projects, such as painting schools and cleaning state parks, is also required. All participants are evaluated as to their level of education: those who test at below grade 12.9 are enrolled in the Adult Basic Education (ABE) or General Education Development (GED) program, regardless of whether they have high school diplomas; those who test at or above grade 12.9 are used as tutors. Upon completion of the entire boot camp program, participants may invite family and friends to a full graduation ceremony. Participants are on probation following graduation for at least one year, the first 90 days of which are intensive supervision.

According to Drew Malloy, program director, Virginia's boot camp program is a five-year pilot program funded by the state legislature. Results have so far been positive, with a recidivism rate of 15 percent for the first 18 months. Admittedly, however, this is a very short time to accurately gauge the effectiveness of a program, and the recidivism rate is expected to increase over time. Nevertheless, Mr. Malloy anticipates funding for the program beyond the demonstration period.

The Massachusetts Program

The Massachusetts boot camp program, which began operation in August of 1992, is for male offenders under the age of 40. Ted O'Donnell, Department of Corrections project analyst with the program, describes it as originally designed for individuals convicted of misdemeanors and less serious felonies as a short, intense alternative to jail or probation, requiring a high level of offender involvement. It is a four-month program with a capacity of 256 participants. Approximately 50 offenders have graduated from the program to date.

Representative Willis
February 11, 1993
Page 3

Eligibility criteria for the Massachusetts boot camp program include that a participant 1) must be under 40 years of age; 2) may have prior convictions if his history is non-violent; 3) must have a sentence that is for no more than 18 months; 4) must not have received a mandatory sentence for violation of a drug law; 5) must not have been convicted of a crime against a person (with the exception of assault and battery); 6) must be medically and psychologically fit to participate; 7) must have no history of escape from a secure parameter nor any escapes within the past three years; and 8) must volunteer for the program.

According to Mr. O'Donnell, because the program capacity has yet to be filled, the original criterion of "no history of escape" was relaxed to its current form. Another proposed amendment would eliminate the criterion concerning prior convictions and shift the focus more to the present conviction.

The program, described by Mr. O'Donnell as having a "marine drill camp atmosphere," includes education, work, counseling, life skills, and team building components. Following graduation, participants are in parole status for an amount of time based on the duration of the original sentence. Aftercare parole requirements may include components such as contacting parole officers, maintaining jobs, and attending counseling sessions.

The Ohio Program--Cuyahoga County

Unlike the boot camp programs in Virginia and Massachusetts, Cuyahoga County's program is for juveniles between the ages of 14 and 17 who have been convicted of felonies and sentenced to state institutions for approximately 6 to 12 months. Participants must be mentally and physically capable and have not been convicted of aggravated murder, murder, rape, manslaughter, kidnapping, sexual assault, aggravated arson, criminal enticement, or corruption of a minor.

This is a nonvoluntary, 90-day residential program followed by six to nine months of highly structured aftercare. Participants are randomly selected but generally willing to participate. Ten are admitted at the beginning of each month, and ten are released at the end of each month. The maximum capacity is 30 participants at any given time. To date, 111 youth have entered the program. Although discipline is a part of the program's structure, it is based more on the Outward Bound, challenge education model than a military one. Furthermore, the program's substance is primarily treatment for the juvenile and reunification with the family and community. Other components include substance abuse education, general education, life skills development, and basic job acquisition and retention skills.

Representative Willis

February 11, 1993

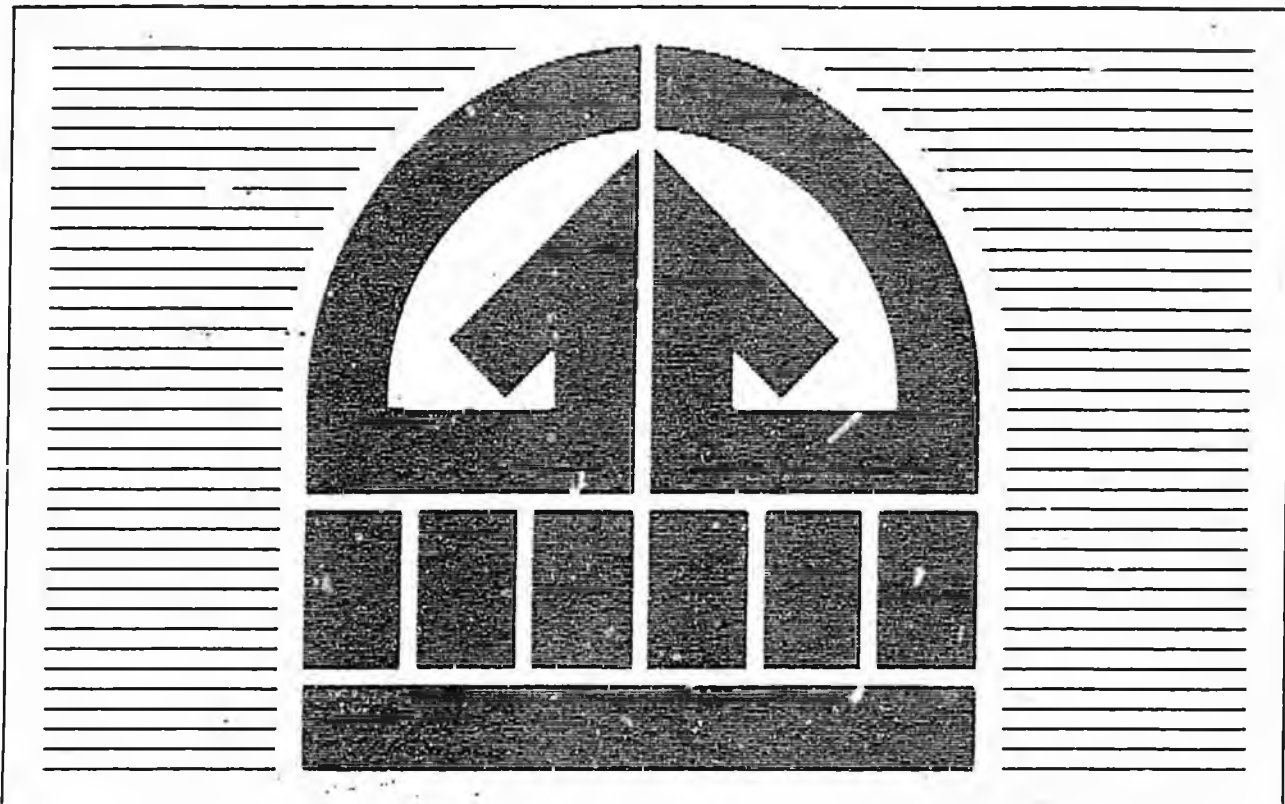
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The Ohio program began in April of 1992 with a federal grant from the U.S. Justice Department for an 18-month project to be evaluated by the National Institute of Justice. Recidivism data will not be available until 1994. According to Tim Howard, project director, the unusually strong emphasis on the aftercare component should result in low recidivism rates.

More detailed information on each of these programs is being sent and will be forwarded to you upon arrival. I hope this information is useful. If you have questions, please let me know.

Attachment

STATE LEGISLATIVE REPORT



~~PRISON BOOT CAMPS:~~ POLICY CONSIDERATIONS AND OPTIONS

by

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INTRODUCTION

A new breed of correctional facility has evolved out of concerns over increased drug crime and prison overcrowding, and the belief that traditional prisons often fail to rehabilitate offenders. In addition, there has been growing public sentiment that offenders be held accountable for their crimes and that serious offenders serve longer sentences. This has added to prison crowding and motivated state policymakers to search for intermediate sanctions for less-serious offenders.

Boot camps--also known as shock incarceration, special alternative incarceration or regimented inmate discipline--are military-style facilities distinguished by reveille, close-order drills, marching and demanding physical requirements. Participants are usually young adult offenders with no prior incarceration who are serving time for their first non-violent felony conviction. Offenders attend a boot camp program for a shorter duration than a standard prison sentence, 60 to 180 days depending on the state program, and then ordinarily are released on parole for an additional year or more. Boot camps are politically popular because the public sees the programs as "tough on crime." Corrections officials often like the programs because the stringent rules and schedules provide a more controlled environment for offenders than standard incarceration.

LEGISLATIVE ACTIVITY

Boot camps for young adult offenders now operate in at least 23 states, and another seven states are in the process of setting up boot camp programs.

Oklahoma and Georgia opened the first boot camp programs in 1983. Most states with programs have added them just since 1987, and considerable legislative activity has occurred since 1989. Sixteen states enacted enabling legislation in the 1989 or 1990 sessions: Arkansas, Colorado, Connecticut, Illinois, Indiana, Kansas, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Tennessee, Texas, Virginia, Wisconsin and Wyoming. Eight states--Alabama, Arizona, Florida, Georgia, Louisiana, Michigan, New York and South Carolina--enacted enabling legislation between 1983 and 1989. At least five states -- Idaho, Maryland, Mississippi, North Carolina and Oklahoma--operate boot camps under department of corrections regulatory authority. At least one county, Los Angeles, is operating a one-year pilot project.(Figure 1)

POLICY CONSIDERATIONS

Prison-bound or probation-bound offenders.

Perhaps the central policy issue to be addressed in considering or expanding boot camp programs is whether the program will be used to divert prison-bound offenders or as a more intensive, punitive form of probation.

In at least 19 states, statutes specify boot camps as an alternative for prison-bound offenders, with the intent of providing shorter more intensive terms in a boot camp for some offenders who would have served a longer prison term. In most states that statutorily divert prison-bound offenders to boot camp, the length of the original sentence is not specified by statute. In states that do designate original sentence length for program eligibility, the offender may be trading a sentence as short as three years for six months in a boot camp (New York) or a sentence as long as 15 years for 120 days in a boot camp (Alabama).(Appendix A)

In at least five states, probation-bound offenders are targeted by statute in order to provide boot camps as a sentencing option for offenders for whom straight probation was considered too lenient. Probation-bound offenders are diverted into the boot camp program by the sentencing judge. Both Connecticut and Georgia statutes allow the court to use boot camp as a condition of probation, and Arizona uses it as a condition of intensive probation.(Appendix A)

Tennessee is the only state found to have two separate statutes; one targets prison-bound offenders and the other targets probation-bound offenders. Theoretically, prison-bound and probation-bound offenders could serve side-by-side in the same boot camps. As yet, however, no probation-bound offenders have been sent to Tennessee's boot camp, according to the department of corrections.

Ten states give the court primary discretion to determine whether otherwise prison-bound or probation-bound offenders are sentenced to boot camps. Often, offenders sentenced to boot camps by a judge must also then be screened and accepted by the Department of Corrections (DOC).(Appendix A)

In about 12 states, the department of corrections has considerable discretion for diverting prison-sentenced inmates into boot camps. In six of these states, the DOC's discretion is somewhat diluted because the court maintains jurisdiction and continues to oversee and review the offender's case throughout the program.(Appendix A)

Target offenders

Most states specify that participants in boot camps be non-violent felony offenders who have never served time in a prison. A majority of the states target a specific age group either by statute or by DOC policy, the most common range being from 17 to 25 years of age. New Mexico and Wisconsin target certain drug offenders for the program. Several states statutorily exclude certain crimes such as murder, first degree rape, first degree kidnapping, first degree robbery, capital or life felonies, sex offenses, child abuse or child sexual abuse. Many state laws require that offenders be physically and mentally fit. At least five states have boot camps for women.

PROGRAM OBJECTIVES

The most frequently stated goals of boot camps are to reduce prison overcrowding, deter offenders from crime, rehabilitate young adult offenders and reduce corrections costs..

Reducing Prison Overcrowding

Several states have authorized boot camps, with reduction of prison overcrowding as a goal of the program. In Arkansas, offenders are evaluated according to a set of guidelines adopted by the Board of Correction, under statutory language which says the program is "designed to reduce inmate population by diverting eligible offenders from long-term incarceration." (Ark. Stat. Ann. 12-28-701 to 12-28-705 (1989)) The Florida law indicates that "Due to severe prison overcrowding, the Legislature declares the construction of a basic training program facility is necessary to aid in alleviating an emergency situation." (Fla. Stat. Ann. 958.04 (West 1990))

However, an analysis done by Abt Associates, Inc. for the National Institute of Justice (NIJ), of the U.S. Department of Justice in 1989 said that in comparing maximum annual capacity in boot camps in a number of states to total prison population, the potential effect of boot camps on prison overcrowding is small. Boot camp capacity as a percent of prison population ranged from 1.1 percent in Florida to 11.6 percent in Mississippi according to the NIJ analysis. Boot camps averaged about 4.7 percent of total prison populations in the states examined. Current selection criteria for participants would, therefore, limit the number of facilities needed to a relatively small number.(1,p.12)

Deterrence and Rehabilitation

Another commonly stated purpose of boot camps is to deter offenders from committing additional crimes by giving them a "taste" of prison. This may be particularly true where boot camps are used as a more punitive form of probation. Many boot camps operate within a conventional state prison, but participants are separated from the general population. This gives offenders a "close, sobering exposure to the realities of prison life, but without subjecting them to abuse, exploitation or corruption by hardened criminals," according to the NIJ study. (1,p.xi)

Physical exercise combined with drills and discipline is seen as having rehabilitative value by some policymakers and program managers. Shock incarceration, according to Donald J. Hengesh, director of Special Alternatives Incarceration in Michigan, teaches inmates "self-esteem, self-discipline, self-responsibility and how to work...more importantly [the program] push[es] these individuals to achieve at levels that they never knew they could achieve at before."(2,p.3)

Some programs have added confidence-building exercises, and several require participants to quit smoking. North Carolina includes a Ropes Challenge program, which works first on building group skills such as getting a team over a 12 foot wall, then on individual confidence building such as walking a balance beam suspended 30 feet in the air. In Louisiana, program participants in the Orleans Parish are able to run 12 miles upon completion of the program.(1,p.23) or

Most programs do not rely solely on military drills for their rehabilitation, many also include drug and alcohol counseling, reality therapy, individual counseling, literacy training and other pre-release programs. In New York, offenders are placed in a therapeutic community emphasizing community living and socialization skills.(1,p.5) Education also is emphasized in the New York program, with offenders required to spend 12 hours per week in classes. A 1990 report of the New York State Department of Correctional Services, Division of Program Planning, Research and Evaluation, said the academic achievement of boot camp participants is somewhat less than inmates in comparison New York facilities, but boot camp inmates both start with more skill deficiencies and spend less time in the program.(4,pp.35-36) Although many states' boot camp programs offer education, at least two states offer no adult basic education because of the difficulty in doing so in any meaningful way in the short period of time offenders are in the boot camp program.(1,p.27)

At least 10 state statutes specify that offenders receive drug and alcohol education or treatment in boot camps. As mentioned earlier, in New Mexico and Wisconsin certain drug offenders are targeted for the program. In Tennessee, however, some drug offenders are statutorily excluded.

Some states provide considerable pre-release assistance and direction. For example, in Maryland, parole agents visit the offenders before they are released, examine their home environments and make arrangements for offenders to meet with job placement assistance counselors. In at least one state, DOC officials recommend to the sentencing judge that drug offenders be required to attend out-patient drug counseling upon release, and in a few other states the statute specifies that drug offenders be sent to drug treatment or educational programs upon release. Two states--Indiana and Wisconsin--statutorily require drug treatment upon release from boot camp.

Cost Issues

Many boot camps are set up on the grounds of existing correctional facilities and share kitchen, medical and administrative services, contributing to cost-efficient start-up. However, per diem costs may be as much or more than standard prison because of higher staff to inmate ratios.(1,p.16)

The 1989 NIJ study indicated that cost savings come primarily from the shorter terms participants serve. For states to save money, the researchers conclude, they must admit inmates who otherwise would have served longer prison terms. Florida data show that time served in boot camps is about 215 days shorter than what participants would have spent in prison, suggesting savings to the state.(3,p.22) In New York, a 1990 report by the Department of Correctional Services research division estimated that despite higher per diem costs than other prison facilities, a total savings of \$55.6 million was realized for 1,158 boot camp participants. This includes an

estimated \$36.6 million saved in capital construction and \$19.0 million saved in care and custody costs, mostly because inmates were housed for a shorter time.(4,pp.33-34)

A 1990 report by the South Carolina State Reorganization Commission for the state legislature examined the criminal histories of the offenders in the boot camp program to determine how many offenders were actually being diverted from prison and whether any offenders were being diverted from probation. Of the 664 offenders who were placed in the boot camp program between July 1987 and January 1989, 244 were diverted from prison and 420 were diverted from probation. Still, the net cost savings of diverting 244 offenders from prison, after taking into account the costs added by placing 420 probation-bound offenders into boot camps, was determined to be \$1.4 million.

None of the cost analyses known have attempted to compute the return-to-crime factor into costs. Perhaps eventually, fiscal studies will combine recidivism data with cost data and analysis of who is being diverted into boot camp programs.

EVALUATIONS AND OUTCOMES

Whether or not boot camps meet the intended objective of rehabilitation of the offender is also an important policy consideration. To date, however, most outcome analyses are either anecdotal, short-term or inconclusive.

Studies by the National Institute of Justice (NIJ) of the U.S. Department of Justice in 1989 and the U.S. Government Accounting Office (GAO) in 1988 concluded that available data are not sufficient to support the theory that boot camps reduce recidivism, overcrowding or prison costs.(1,p.35)(5,p.1)

The NIJ study looked at recidivism rates for graduates of boot camps in Georgia and Oklahoma and found them to be about the same as those of offenders released from prison. In fact, the Georgia DOC found that after a three year follow-up, 38.5 percent of the offenders who participated in boot camp returned to prison, compared to 38 percent recidivism of released prison inmates. Oklahoma found that almost half the boot camp graduates had returned to prison compared to 28 percent in a comparison group of prison inmates over a 29-month period.(1,p.4)

A few states also have tracked the return to crime or subsequent incarceration of boot camp participants. The Florida Department of Corrections released a study in 1989 of their program showing that boot camp graduates had a re-incarceration rate of 5.59 percent versus 7.75 percent for a comparison group; however, the study only contained data for a 13-month period.(3,p.ii)

A 1990 report of the South Carolina State Reorganization Commission showed that among 437 boot camp participants, 16 percent have had a subsequent conviction or had their probation revoked for a technical violation. Of these convictions and violations, 97 percent occurred during the first 12 months after completing boot camp. The most recent study, based on 1984 data, of recidivism for all people released (including all crimes and criminal histories) in that state showed a 16 percent recidivism rate for one year.(6,p.24)

The New York Department of Correctional Services research division report of 1990 on the state's Shock program said, "Despite being incarcerated for shorter periods of time, the Shock graduates appear to be returning at a rate similar to a selected comparable group of inmates...." But the report also notes that Shock graduates come back for offenses less serious than the comparison group, and more often for rule violations rather than for convictions on new crimes.(4,p.51-52) Georgia, Louisiana and New York are currently conducting studies and several other states have indicated they will be tracking recidivism rates as well.

Several states require the department of corrections (DOC) to report to the legislature on the progress of the boot camp programs. In Colorado, for example, the DOC is to provide a report that includes such information as: whether offenders are being diverted from probation or prison, whether bed space is being saved, and whether the recidivism rate for graduates of the program are equal to or lower than that of similar offenders committed to the DOC.

The National Institute of Justice currently is working on a multi-site survey to evaluate seven boot camp programs. The evaluation will address selection decisions, community supervision upon release, program characteristics and program location; however, the outcome of the study is not expected to be decisive. The study should be released by early next year.

The Bureau of Justice Assistance has offered funds to states for boot camp start-up and demonstration. New York and Texas have grants to implement and evaluate effectiveness of boot camps targeted for drug offenders.(7,p.47)

FEDERAL INTEREST AND INCENTIVES

Title XVIII of the federal Crime Control Act of 1990 authorizes \$220 million for "correctional options," including, "four grants in each fiscal year, in various geographical areas throughout the United States, to public agencies for correctional options (including the cost of construction) that provide alternatives to traditional modes of incarceration and offenders release programs." Programs must provide appropriate intervention for young offenders; security and discipline; services such as counseling, drug treatment, education and job training; reduction in criminal recidivism; reduction in correctional costs; and development of industrial and service skills. Also available are grants to public agencies to "establish, operate, and support boot camp prisons."

Priority is given to applicants who show potential for developing or testing innovation alternatives, as well as those that demonstrate overall quality and programming in a boot camp program. States operating over capacity in correctional facilities are also given priority. The law also identifies military facilities that may be used as sites for correctional programs funded under this chapter.

As of January 1991, funds for these grants were not yet appropriated. The Federal Crime Control Act of 1990 also authorizes the Federal Bureau of Prisons to use shock incarceration (boot camp) programs. Title XXX specifies military-style regimented training, discipline and labor, and also requires that appropriate job training, education and drug and alcohol counseling be in place. As yet there are no boot camp facilities operating for federal offenders.(8)

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), in conjunction with the Bureau of Justice Assistance, will develop and test up to three boot camps for juvenile offenders, with awards to be made in April 1991 for 18-month test sites. In addition, the National Institute of Justice will fund an independent evaluation of the OJJDP programs, also to begin in 1991.

CONCLUSION

The lofty goals of reducing prison overcrowding, controlling corrections costs and providing for criminal deterrence and rehabilitation are only marginally achievable through boot camp prison programs.

By shortening the period of incarceration for prison-bound offenders, boot camps can have a minimal effect on prison overcrowding and costs. However, cost savings tend to be elusive in programs requiring special start-up and operational costs, yet which target less than 5 percent of the prison population. It is important to note that programs which target only probation-bound offenders are not likely to realize cost savings nor do they have any effect on prison populations.

Increased justice-system costs may in fact result from sending probation-bound offenders to boot camps.

Real savings, of course, can be realized if boot camp programs are successful in reducing subsequent criminal behavior in participants. As yet, however, long-term, comprehensive recidivism evaluations are absent from an evaluation of whether boot camps are good policy. Ultimately, an objective analysis of programs' rehabilitative value compared to or in combination with drug treatment, work and education programs, likely will be key to determining success or failure.

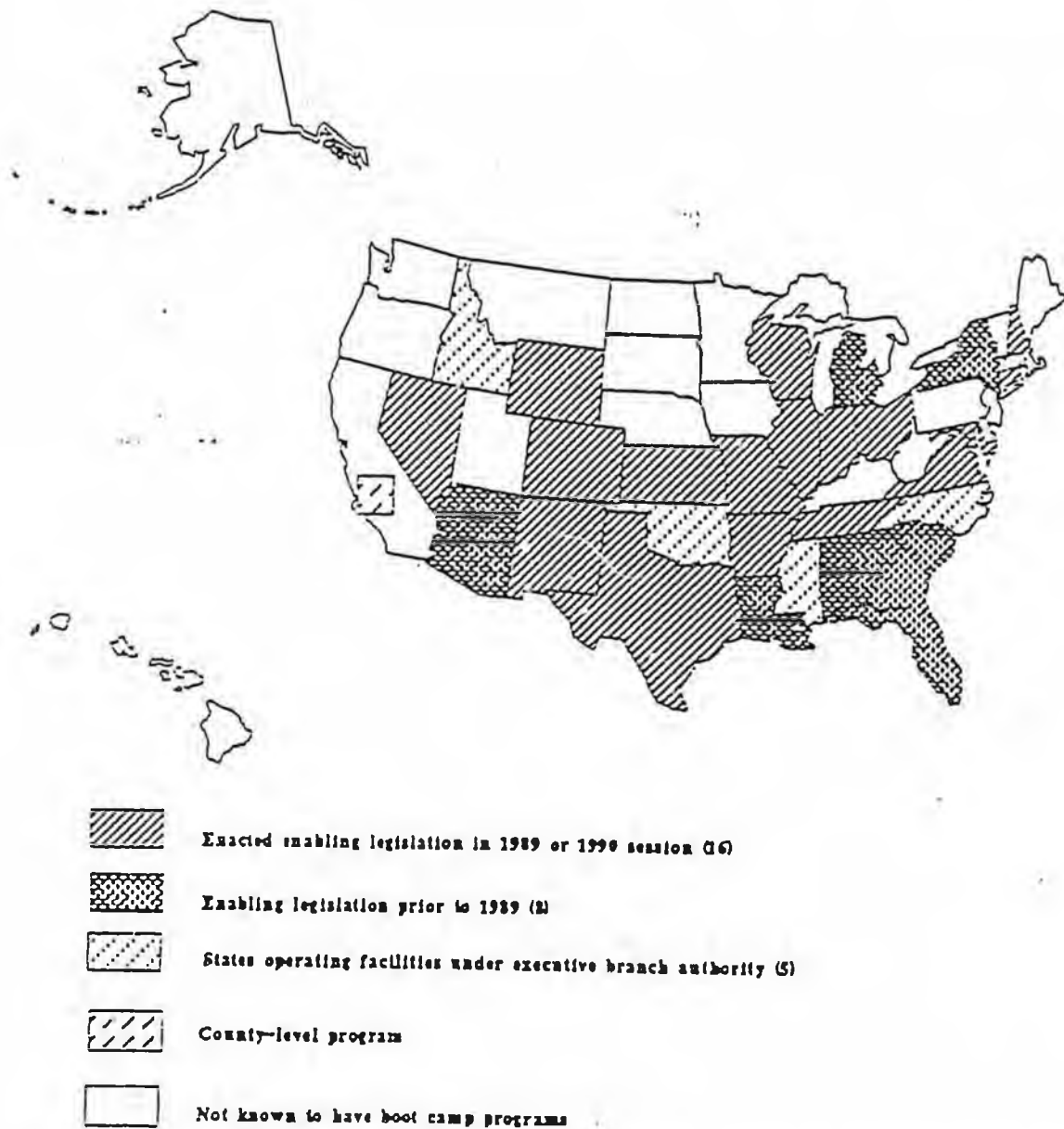
In current practice, boot camps do respond to the need for intermediate sanctions tougher than probation and which depart significantly from traditional prison by stressing offender accountability and change. A corrections leader has said boot camps are the "first sexy idea" corrections has had in almost two decades, and therefore should be given time to develop and be refined. Others have warned that military drills without attention to the social ills of illiteracy, unemployment and drug abuse are a wasted effort.

As with most state initiatives, considerable variation is seen in how states have designed and operated boot camp programs. Their experiences, as highlighted in this document, can begin to guide policymakers' decisions on future use of boot camps as a sentencing option.

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Figure 1.
 Boot Camp/Shock Incarceration Facility Use in the States



Source: *Shock Incarceration: An Overview of Existing Programs* (Washington, D.C.: National Institute of Justice, U.S. Department of Justice, June 1990)
 NCSL Original Research

Appendix A
State Statute Specifications for Boot Camps

State	Amount of Legislative Direction	Offender Eligibility Requirements	Prison Alternative/Enhanced Probation	Distinctive Program Features	Who Has Discretion to Select Candidates?
Alabama Ala. Code §15-18-8 (1989)	Moderate	Lists crimes not eligible, sentence of 15 years or less	PA	Unspecified	Court upon consultation with DOC, retained jurisdiction
Arizona Ariz. Rev. Stat. Ann. §13-915 (West 1989)	Moderate	Age, never been incarcerated as adult, no physical impairments, no contagious disease	EP	Academic education	Court - condition of intensive probation
Arkansas Ark. Stat. Ann. §12-28-701 to 705 (1989)	Minimal	Unspecified	PA	Unspecified	DOC
Colorado Colo. Rev. Stat. Art. 17.27.7 (1990)	Moderate	Age, nonviolent, no previous sentence in a correctional facility, free of physical & mental defects	PA	Educational & vocational assessment & training, job seeking skills, health education, drug/alcohol education & treatment.	Executive director returned to sentencing court upon completion for sentence reduction
Connecticut Conn. Gen. Stat. §18-101c (1989)	Moderate	Age, convicted of other than a class A felony, no physical or mental limitations	EP	Community work, job skills application & communication, separate from general inmate population, judge may require education, employment, restitution, approved residence upon release.	Court
Florida Fla. Stat. Ann. §956.02 (West 1990)	Moderate to Considerable	Age, crime is a felony if committed before 21st birthday, not previously classified under this statute, lists ineligible crimes, no physical limitations, not previously incarcerated.	PA	Training in decisionmaking, personal development, drug counseling, rehabilitation programs	Court commits to custody of DOC, DOC requests sentencing court approval.
Georgia Ga. Code Ann. §42-8-35.1 (1989)	Minimal	Age, no contagious disease, not physically or mentally handicapped	EP	Unspecified	Court - with DOC approval
Illinois Ill. Ann. Stat. ch. 38, §1003A-1-1 to §1003A-1-6 §1005-6-3 to 3.4 (1990)	Moderate	Age, never imprisoned as adult for felony, lists crimes not eligible, sentenced to imprisonment of 5 years or less, no mental disorder or disability, written consent.	PA	Drug counseling, mandatory supervised release	Court - upon its independent assessment
Indiana Ind. Code Ann. §11-14 (1990)	Considerable	Age, male, committed to DOC to serve max. sentence of not more than eight years, suspendable sentence, no previous conviction or incarceration, not previously in a military or correctional boot camp, not mentally impaired.	PA	Separate from general inmate population, skills for living and rehabilitation, job skills, treatment for drug/alcohol abuse & emotional or mental problems, education - remedial & GED, vocational assessment, transition program includes education, counseling, community service, drug/alcohol treatment, assisted reintegration.	Committed to DOC, DOC reports to court, court may recommend offender but still must be approved by DOC, voluntary withdrawal.
Kansas Kan. Stat. Ann. §75-52.127 (1989)	Minimal	Unspecified	Unspecified	Unspecified	Court
Louisiana La. Rev. Stat. Ann. C.Cr.P. Art. 901.1 (West 1990)	Considerable	First offender, suspended sentence of seven years or less at hard labor, has probation revoked on technical violation, otherwise eligible for parole, 1st or 2nd felony, never served time in a state prison, voluntary.	PA	Intensive parole supervision upon release	Sentenced to Dept. of Public Safety & Corrections, court recommends or Div. of Probation & Parole refers to court.

State	Amount of Legislative Direction	Offender Eligibility Requirements	Prison Alternative/Enhanced Probation	Distinctive Program Features	Who Has Discretion to Select Candidates?
Michigan Mich. Stat. Ann. §24.2356(3-5) & §28.1133(2) (Callahan 1990)	Minimal to Moderate	Age, never served sentence of imprisonment, likely to be sentenced to imprisonment, not physically or mentally handicapped.	PA	Unspecified	Court - with consent of offender
Missouri Mo. Ann. Stat. §217.378 (Vernon 1991)	Minimal to Moderate	Age, on felony probation, violated probation, no prior felony conviction.	PA	Unspecified	Court
Nevada Nev. Rev. Stat. §209.256 (1989)	Moderate	Age, male, convicted of nonviolent felony, never incarcerated for more than 6 months, otherwise eligible for probation.	EP	Training in recognition & prevention of drug/alcohol abuse, stress management, prepare for & obtain job.	Court returned to court upon completion
New Hampshire N.H. Rev. Stat. Ann. §631 (1989)	Minimal	Unspecified	PA	Intensive community supervision	Court upon recommendation of DOC
New Mexico N.M. Stat. Ann. §31-18-22 & §33-1-17 (1990)	Moderate to Considerable	Adult male & female offenders, lists ineligible crimes, DOC to adopt regulations for screening, voluntary	PA	Substance abuse counseling & treatment, GED prep, training in decisionmaking & personal development & pre-release skills.	Court upon recommendation of corrections department.
New York N.Y. Corr. Law §865-867 (McKinney 1990)	Minimal to Moderate	Age, within 3 years of parole, lists ineligible crimes, must volunteer	PA	6 months, rehabilitation therapy	Screening committee requests answer from court approving or disapproving, court must respond within 25 days or automatically approved.
Ohio 118th Gen'l Assembly §5120.031 (1990)	Considerable	Age, convicted of or pleaded guilty to 3rd or 4th degree felony, lists ineligible crimes, never sentenced to 30 days or more in reform or penal institution, nonviolent	PA	Substance abuse education, employment & social skills, psychological treatment, GED prep, 30-60 days in halfway house with self help & GED prep, intensive supervision parole for remainder of sentence.	Judge sentences to Dept. of Rehabilitation & Correction, progress reports to sentencing court.
South Carolina S.C. Code Ann. §24-21-475 (Law. Co-op 1986)	Minimal	Age, convicted of nonviolent offense for which a five years or more sentence can be imposed, not physically or mentally handicapped, no contagious diseases.	PA	Unspecified	Judge - as condition of probation
Tennessee Tenn. Code Ann. §40-20-201 to 207 & §40-28-130 (1989)	Minimal	Age, not physically or mentally handicapped, prison or probation of 6 years or less, no contagious diseases, lists ineligible crimes.	PA & EP	Treatment programs	Judge - as condition of probation
Texas Tex. Code of Crim. Proc. Ann. Art. 42.12 (Vernon 1990)	Minimal	Otherwise eligible for probation, age, not physically or mentally handicapped, never been incarcerated for felony.	PA	Unspecified	Court
Virginia Va. Code §19.2 - 316.1 & §53.1 - 67.1 (1990)	Considerable	Age, nonviolent felony, never been sentenced to incarceration as adult voluntary	PA	Counseling, remedial education, drug education, vocational assessment, upon release employment, vocational or other educational programs may be required, voluntary withdrawal.	Court orders commitment to DOC for evaluation, DOC recommends
Wisconsin Wis. Stat. Ann. §302.045 (West 1990)	Moderate	Must volunteer, age, already incarcerated, has substance abuse problem, no psychological, physical or mental limitations lists ineligible crimes	PA	Personal development counseling, substance abuse treatment & education, intensive supervision parole program for drug abusers.	DOC
Wyoming Wyo. Stat. §7-3-1003 (1989)	Minimal	Is serving sentence at state penitentiary, age, no previous incarceration, lists ineligible crimes.	PA	Separation from general inmate population	Board of Charities & Reform

BOOT CAMP PRISONS

by Kac Warnock

June 1991

No. CJ-001

NCSL Issues in Brief

Boot camp prisons are military-style facilities requiring drills, marching, and labor

Boot camps may offer education, drug/alcohol counseling, and therapy

Boot camps are usually for young adults with convictions for non-violent crimes

Boot camp prisons, also known as "shock incarceration" and "special alternative incarceration" programs, are military-style correctional facilities which provide shorter terms in a highly regimented, disciplinary setting likely to include reveille, drills and marching, physical exercise, and labor. Demanding physical drills and exercises are the most prominent and unique features of these programs. Community service labor also is required in most cases.

Boot camp correctional facilities often include drug/alcohol counseling, reality therapy, individual counseling, education, and pre-release programs. New York includes a therapeutic community that emphasizes community living and socialization skills. While some states claim success with education programs, at least two offer no adult basic education because of the difficulty in doing so during the short period of time offenders are in the program.

Most Boot camp/shock incarceration programs are designed for young, adult offenders (usually 17-25 years, although some states have no age limit) convicted of non-violent crimes.

Participants are usually first or second-time felony offenders with no prior adult incarcerations, whose current offense carries a relatively short sentence. Offenders with mental or physical impairments are excluded. At least five states have boot camp programs for women. Some states such as Louisiana, New York, and Virginia use boot camps mainly as an alternative sentence for offenders otherwise bound for prison. Other states such as Arizona, Connecticut, and Georgia structure boot camps as intensive probation programs.

Pros

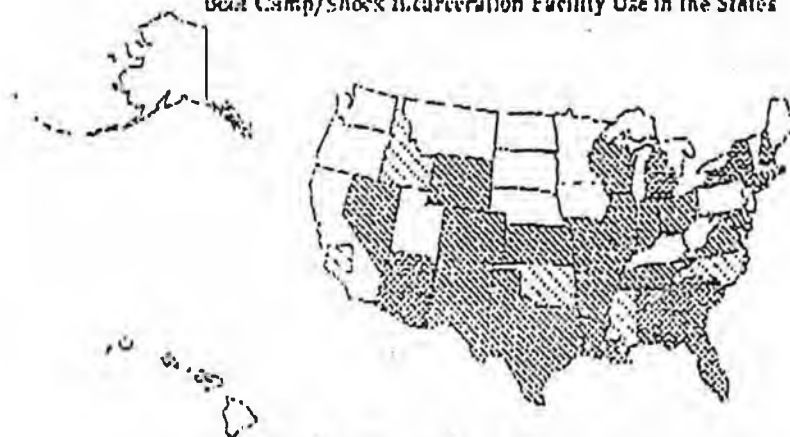
Proponents hail the programs as a tough intermediate sanction that provides incapacitation and offender accountability. They say the short "shock" program aimed at young adult offenders can deter future criminal activity by instilling discipline and self control.

Cons

Detractors express concern that the boot camp programs foster physical prowess and aggression in the name of discipline and at the expense of problem solving and skill development.

Few data exist to support or disprove either of the opposing views on boot camp/shock incarceration programs. However, preliminary evaluations have been done, noted below, in Florida, Georgia, and Oklahoma.

Boot Camp/Shock Incarceration Facility Use in the States



- Enacted enabling legislation in 1989 or 1990 (10)
- Enabling legislation prior to 1989 (8)
- State operating facilities under executive branch authority (5)
- County-level program
- Not known to have boot camp programs

Source: State Incarceration: An Overview, Bureau of Statistics, California Dept. of Corrections, 1989; National Institute of Justice, U.S. Department of Justice, June 1989; 1991 NCSL Original Research

STATE AND FEDERAL ACTIONS

23 states operate some type of boot camp

At least 23 states currently operate some type of boot camp facility. Oklahoma and Georgia opened the first boot camp programs in 1983. Most states with programs added them since 1987. Sixteen states enacted enabling legislation in the 1989 or 1990 sessions: Arkansas, Colorado, Connecticut, Illinois, Indiana, Kansas, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Tennessee, Texas, Virginia, Wisconsin, and Wyoming. Eight states--Alabama, Arizona, Florida, Georgia, Louisiana, Michigan, New York, and South Carolina--enacted enabling legislation between 1983 and 1989. At least five states--Idaho, Maryland, Mississippi, North Carolina, and Oklahoma--operate boot camps under department of corrections regulatory authority. At least one county, Los Angeles, is operating a one-year pilot project.

Federal assistance

The Bureau of Justice Assistance 1990 program plan offered funds to state departments of corrections for boot camp demonstration, training and technical assistance, as well as development and demonstration for juvenile offenders. Title XVIII of the federal Crime Control Act of 1990 authorizes grants to state and local governments to develop prison alternatives, including boot camp programs, although federal funds have not yet been appropriated.

The Federal Crime Control Act of 1990 also authorizes the Federal Bureau of Prisons to use shock incarceration programs. As yet there are no boot camp facilities operating for federal offenders.

Recidivism rate higher for boot camp graduates than released prison inmates in two states

A three-year follow-up study by the Georgia Department of Corrections found 38.5 percent of offenders who participated in the boot camp program returned to prison, compared to 38 percent of released prison inmates. Oklahoma found that over a 29-month period, almost half of the boot camp graduates had returned to prison compared to 28 percent in a comparison group of prison inmates.

Florida study shows boot camp graduates outperform released inmates during community supervision

A Florida evaluation of post-release outcomes showed the boot camp program graduates performed, overall, more successfully than a matched group of released prison inmates during a subsequent community supervision period. The same report showed almost 40 percent of participants entering the program did not finish it.

GAO and NIJ recommend more evaluation

A National Institute of Justice (NIJ) report issued in 1989 agreed with an earlier United States Government Accounting Office report that said more evaluation is needed to judge whether programs are operationally cost-effective and programmatically successful.

The NIJ study also indicated that cost savings result primarily from the shorter terms participants serve. For states to save money requires admitting inmates who otherwise would have served longer prison terms.

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- The Second Annual Report to the Legislature: Shock Incarceration in New York State: The Corrections Experience*, Albany, N.Y.: Department of Corrections, January 1990.
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involuntary manslaughter had it been committed by an adult. He was sentenced to three years detention, the maximum penalty for involuntary manslaughter. On appeal, the Court of Appeals for the Eighth Circuit vacated the sentence, finding that had R.L.C. been an adult, the maximum sentence he could have received under the federal sentencing guidelines would have been 21 months. The Eighth Circuit said that in sentencing R.L.C. to a period of detention longer than that allowed under the guidelines, the trial court violated a federal statute providing that a juvenile may not be sentenced to a period of detention that exceeds "the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult." The U. S. Supreme Court affirmed.

Missing Children. The study of legal barriers to using schools, public service agencies and hospitals to locate missing children is one of several projects planned by the U. S. Department of Justice's Office of Juvenile and Delinquency Prevention (OJJDP) for its fiscal year 1992 programs to assist missing children and their families (*Federal Register*, March 18, 1992). The proposed priority programs include a variety of objectives, including using newspaper clippings to compile statistics on non-family child molestation cases; developing sentencing guidelines in parental abduction cases; and training public service workers and mental health professionals to work with families of missing children. The OJJDP will accept public comments on the priorities through May 18, 1992. The Missing and Exploited Children's Program was established by

the Congress in the 1984 Missing Children's Assistance Act as Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The OJJDP is responsible for administering the Missing and Exploited Children's Program. Other proposed new programs include conducting follow-up interviews with families of missing children to determine the lasting psychological effects of family and non-family abductions; studying the justice system's processing of child maltreatment cases; developing training to help law enforcement and mental health professionals assist families being reunited with their missing children; developing interviewing techniques for adolescent victims of sexual exploitation; developing a guide to victims' services and compensation for missing and exploited children and their families; a symposium on international child abductions; the development of training, technical, and product resources on the legal obstacles of returning parentally abducted children; developing a training video for investigating missing and exploited child cases; and funding for states' missing children clearinghouses. For more information, contact the Director, Missing and Exploited Children's Program, OJJDP, 633 Indiana Ave., NW, Washington, DC 20531; tel.: (202) 616-3631.

In California, A state assemblyman has introduced legislation that would make it a crime to recruit youths under the age of 18 for criminal street gangs by intimidation or coercion. The proposed bill is believed to be the first legislation in the nation to criminalize youth gang recruitment. Sacramento city officials have attributed the recent growth in the

number of gangs and gang members to successful recruitment. Sacramento Police Chief Jack Kearns, the prime sponsor of the bill, said forcing gang members to do their recruiting covertly would deter solicitation. Kearns estimated that the current number of gang members in Sacramento is 3,600, a significant increase over the 1,700 gang members in 1988. That year, a state task force on gangs and drugs found that children as young as nine-years-old were being recruited for street gangs, Kearns said. Bob Kilgore, director of the Sacramento County Probation Department, said the number of street gangs in the county has grown from approximately 35 in the 1980s to between 50 and 60 today.

California Gov. Pete Wilson on Feb. 28 signed legislation creating two military-style "boot camps" designed to deter nonviolent, youthful, first-time offenders from further criminal activity through strict discipline and hard work. The "Leadership, Esteem, Ability, and Discipline Program (LEAD)" camps would be alternatives to jails run by the California Youth Authority. The plan calls for establishing one camp in northern California and one in southern California that each will house no more than 60 youths over the age of 16. Wards at the experimental camps will be drilled in traditional military techniques, including marching, rigorous exercise, and strict room and dress inspections. Youths will be required to work 16 hours per day, six-and-one-half days per week, for four months. After release from the camps, wards will be enrolled in a six-month parole program that in-

cludes drug testing, electronic monitoring, and job placement. The program will end in mid-1997 unless it is extended by the California legislature.

In Rhode Island. Although violent juvenile crime has decreased in Rhode Island, overall juvenile criminal activity in the state has increased, according to a recent report of the Governor's Justice Commission. The report, entitled *Juveniles in Rhode Island: A Data Analysis and Statistical Study Concerning Key Information of Recent Years*, links increased levels of property crime among juveniles to increased numbers of juvenile drug abuse arrests, and attributes this relationship to juvenile substance abusers' need to steal or sell drugs to support their

drug addiction habits. In 1989, 9,261 juveniles were arrested, the second highest total of juvenile arrests since 1984, the report said. For that same year, violent juvenile crime arrests in the state decreased by 2.5 percent from 1988 totals and comprised 9.4 percent of all juvenile arrests, according to the report; property crimes made up the remaining 90.6 percent. Overall property crimes decreased 20-30 percent from 1987 to 1989. Despite a slight decrease in 1989, juvenile drug abuse arrests have remained at relatively constant levels in recent years. Juvenile arson arrests reached an all-time high of 101 in 1989, the report states, increasing nearly 100 percent over the annual average throughout the 1980s, the report said. Vandalism

and larceny arrests have remained at increased levels over recent years with larceny being the serious crime that Rhode Island juveniles commit most frequently. According to the report, juvenile recidivism rates progressively have increased since 1984, when 526 juveniles appeared twice before the court, compared to 611 in 1989. In 1984, 188 juveniles appeared three times before the court compared to 231 in 1989. The number of juveniles placed on probation has increased each year since 1984, reaching a high of 2,043 in fiscal year 1990. For more information or a copy of the report, contact the Governor's Justice Commission, Office of Substance Abuse, Statistical Analysis Center, 222 Quaker Lane, Warwick, RI 02886; tel.: (401) 277-2620.



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