

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7849 • HOUSE JUDICIARY •

DPA SYSTEM OPERATIONS ELIGIBILITY INFORMATION SYSTEM (EIS)

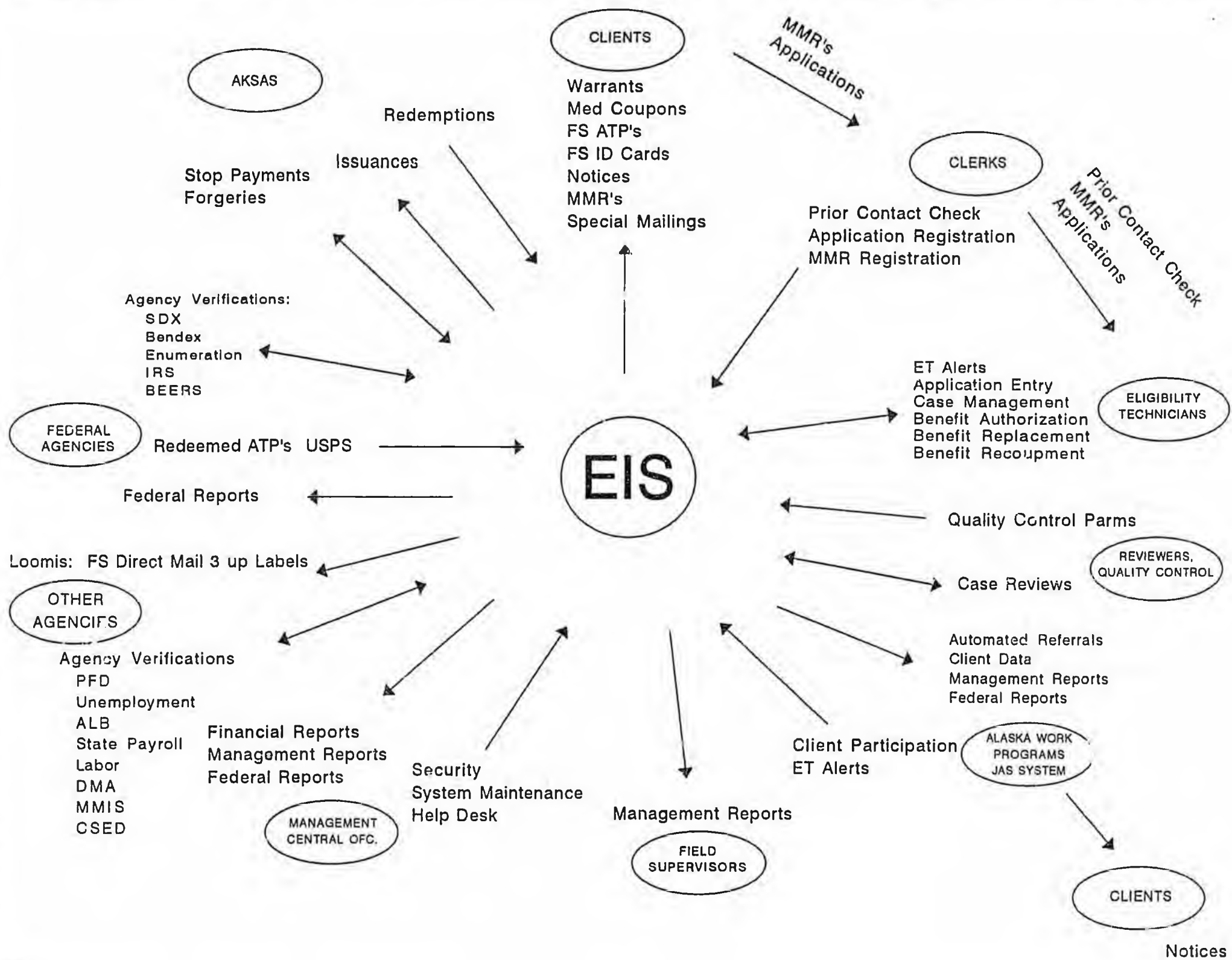
- EIS has 1,700 Program Applications
 - 1,100 on-line
 - 600 batch
- EIS has 450 Users
- Limited Access is provided to agencies such as
 - Community and Regional Affairs
 - Medical Assistance
 - Labor
 - Child Support
 - Family and Youth Services
 - Public Health
- EIS stores 11.0 gigabytes (6.3 Billion Bytes) of information, or 2.5 million typewritten pages
- EIS produces monthly
 - 25,101 Warrants
 - 31,331 Medical Coupons
 - 4,565 Food Stamp (ATP)
 - 1,240 Food Stamp ID Cards
 - 32,670 Notices
 - 16,879 Monthly Reports
 - 8,661 Food Stamp Direct Mail
 - 2,258 Reviews/Recertifications
- To perform an eligibility determination an intake technician inputs data on an average of 25 screens
- An average of 110,000 transactions are performed on EIS per day

The Eligibility Information System, our automated data processing system, is essential to each employee's work. The Division relies on EIS to store client data, process eligibility determinations, calculate benefits, and issue benefits and notices to clients. EIS is also needed to produce financial and other reports for program administration and planning.

Growing workloads and growing program complexity have made the efficient, accurate delivery of benefits increasingly difficult to sustain. The ability of EIS to compile information for program management and planning is limited.

The Division needs to redesign or replace EIS to ensure its future ability to administer the public assistance programs.

An effective data processing system is probably the single most important factor in our ability to manage the growth and change in the public assistance workload. Replacing or redesigning EIS will be a major capital project that includes planning, design, and implementation phases.



**DIVISION OF PUBLIC ASSISTANCE
FY93-FY94 WELFARE REFORM**

CASELOAD CONTAINMENT

- Rigorous application and Eligibility Determination process to maintain 97% accuracy and prevent ineligibles from getting benefits
- Monthly reporting by client and review by caseworker
- Maintain AFDC payment accuracy at 96%-97% vs. federally required 94%. Each percent is \$1.2 million.
- Early Fraud Detection
- Post-certification fraud investigation and repayment
- Prosecution and conviction for criminal fraud
- JOB Opportunities and Basic Skills (JOBS) program

BENEFIT PAYMENT REDUCTION

- Suspend COLA
- Ratable Reduction of AFDC to 1991 payment level
- Ratable Reduction of APA to 1990 payment level
- Conform AFDC-UP payment standard to AFDC-Basic
- Interim Assistance reimbursement and no retroactive APA
- Prorate initial APA benefits

AFDC SELF-SUFFICIENCY PROJECT

- Survey of AFDC clients' and staff perceptions of barriers to self-sufficiency
- Focus Group meetings on barriers to self-sufficiency
- Analysis of the federal Section 1115 Waiver process
- Analysis of the AFDC waiver demonstrations proposed or carried out by other states through 12/92
- Exploring economic development, job creation, and rural job possibilities

REFORMS PLANNED FOR FY94

Support and Enhance JOBS Program

- Serve 40% of AFDC UP, 625 clients
 - Job Search
 - Remedial Adult Basic Education
 - Job Readiness
 - Work Experience
- Increase JOBS program to meet federal 15% mandate up from 11%; serve 1340 clients, up from 925
- Referrals for substance abuse treatment
- Increased job skills training

Encourage Self-Sufficiency for AFDC Recipients

- Establish self-sufficiency goals at initial AFDC application
- Client education on job search, child care, job readiness
- AFDC Payment "Gap" from ratable reduction

JOBS INITIATIVES IN FY93

- \$119,000 federal grant for Wasilla Teen Parent Project
- Job Sampling
- Designed Data System to retrieve JOBS client occupation and wages, post-AFDC

INITIATIVES UNDER CONSIDERATION

- Waiver Package to include:
 - Increase AFDC earned income disregard
 - Eliminate AFDC Unemployed Parent "100 Hour Rule"
 - Increase AFDC vehicle value limit
- Pursue federal program changes
 - AFDC Earned Income Disregards
 - AFDC Unemployed Parent "100 Hour Rule"
 - AFDC vehicle value limit
 - Section 1115 Waiver process
 - JOBS quota to serve 40% of AFDC-UP
 - Paid employment as a countable JOBS component
- AFDC Payment "Gap" increased by raising need standard
- Child Care Vouchers for working families
- Subsidized employment: Work Supplementation; On-the-Job Training
- Work Experience for non-JOBS clients
- American Public Welfare Association Task Force on Self-Sufficiency
- National Governors' Association Initiative on "Rethinking Welfare"

MAXIMUM PUBLIC ASSISTANCE PAYMENTS

	FY92 1/1/92	FY93 1/1/93	Projected ** FY94 1/1/94
1 Adult/2 Children			
Aid to Families with Dependent Children (50% GF/50% FED)	923.00	950.00	890.00
Food Stamps - FED	260.00 *	260.00 *	286.00 *
Total	1,183.00	1,210.00	1,176.00
Percentage of Poverty	98.2%	97.5%	92.0%
2 Adults/2 Children			
Aid to Families with Dependent Children - Unemployed Parent Program (50% GF/50% FED)	1,113.00	1,145.00	988.00
Food Stamps - FED	304.00 *	303.00 *	357.00 *
Total	1,417.00	1,448.00	1,345.00
Percentage of Poverty	97.5%	96.7%	87.2%
1 Adult over 65			
Adult Public Assistance - GF	362.00	374.00	331.00
Supplemental Security Income - FED	172.00	184.00	197.00
Longevity Bonus - GF	250.00	250.00	250.00
Longevity Bonus Hold Harmless - GF	250.00	250.00	250.00
Food Stamps - FED	10.00 *	10.00 *	10.00 *
Total	1,044.00	1,068.00	1,038.00
Percentage of Poverty	147.5%	146.5%	138.2%
1 Adult Blind or Disabled			
Adult Public Assistance - GF	362.00	374.00	331.00
Supplemental Security Income - FED	422.00	434.00	447.00
Food Stamps - FED	10.00 *	10.00 *	10.00 *
Total	794.00	818.00	788.00
Percentage of Poverty	112.1%	112.2%	104.9%
1 Adult No Category			
General Relief/Vendor Payment - GF	120.00	120.00	120.00
Food Stamps - FED	142.00 *	143.00 *	144.00 *
Total	262.00	263.00	264.00

Other Possible Cash Benefits

Veteran's Benefits - FED
Energy Assistance - FED (60% to 70% paid to vendors)

* Food stamp numbers are estimates. The amount paid for food stamps varies according to several factors including shelter costs.

** Includes 1994 COLA suspension and rateable reductions.

Presumes 3% annual rise in federal Poverty Guidelines and Supplemental Security Income benefits for FY93 and FY94.

HOUSE COMMITTEE REPORT

(9)

Date Referred: January 15, 1993

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3-2-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 67

HOUSE BILL NO. 67

ELIGIBILITY FOR PUBLIC ASSISTANCE

"An Act relating to eligibility for and payments of public assistance; and providing for an effective date."

RECOMMENDATIONS: CS HB67 (HESS) 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/Disc)

fiscal impact H+SS - AFDC - 3
APA - 2

fiscal note(s) _____

zero fiscal note H+SS (APA)

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X	<i>[Signature]</i>		X	
<i>Car Brexide</i>	X	<i>[Signature]</i>		✓	
<i>Harley Allberg</i>	✓	<i>[Signature]</i>		X	
		<i>Betty Davis</i>	X		
		<i>Tom [Signature]</i>	X		
		<i>Wene [Signature]</i>	X		

Car Brexide
CHAIRMAN'S SIGNATURE

HESS REPORT

H B

G g

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 69

Revision Date: January 25, 1993
 Title: "...registration of and information about sex offenders..."
 Sponsor: Representative Barnes
 Requestor: Representative Barnes

Department Affected: Department of Law
 BRU: Prosecution, Legal Services
 Component: Prosecution - All
 COMPONENT SERIAL NO. 0085 through 0091

EXPENDITURES/REVENUES:

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						
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REVENUE FUND SOURCE:						
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FUNDING:

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

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 25, 1993
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: January 25, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 69

ANALYSIS (Continued):

This bill establishes a comprehensive program for the registration and community notification of sex offenders. The department's fiscal analysis follows below.

Section 1. This section states the legislature's findings and policy.

Section 2. This section amends AS 11.56 to make it a class B misdemeanor for a person to knowingly fail to register as a sex offender, as required by proposed AS 12.63.010. The department cannot predict the number of offenders who might violate this provision.

Section 3. This section amends AS 12.55 to require that when a defendant is convicted of a sex offense by a court of this state, that written judgment must set out the registration requirements contained in proposed AS 12.63.010.

Section 4. This section establishes an offender registration program requiring all sex offenders within the state to register with the Department of Public Safety. Registrants would have to provide a variety of information including name, address, place of employment, aliases used, current photograph, and fingerprints. This provision will not have a fiscal impact on the Department of Law, but it will probably have a fiscal impact on the Department of Public Safety.

Section 5. This section provides that the duty of sex offenders to register ends 10 years following the sex offender's unconditional discharge from a conviction for an unclassified, class A, or class B felony sex offense. This duty would also end 5 years following the sex offender's unconditional discharge for a class C felony, a class A misdemeanor, or a class B misdemeanor sex offense. This section also provides that information about a sex offender that is contained in the central registry is confidential and not subject to public disclosure except the sex offender's name, address, place of employment, date of birth, crime for which convicted, date of conviction, place and court of conviction, and length of sentence.

Section 6. This section provides that the Department of Public Safety display notice of the registration requirements in proposed AS 12.63.010 at a place where the public may apply for a driver's license, identification card, or vehicle registration. This section will not have an impact on the Department of Law.

Section 7. This section amends AS 33.30 to provide that the commissioner of corrections shall, at the earliest possible date, or at least 10 days before release, send written notice to the nearest Alaska State Trooper post and to the chief of police in the community where a sex offender will reside. This section will not impact the Department of Law. This section also provides that, if an inmate convicted of a sex offense escapes, the commissioner of corrections shall immediately notify the chief of police of the community and the state trooper post closest to where the inmate resided immediately before the inmate's arrest and conviction. There will not be a fiscal impact for the Department of Law.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 69

ANALYSIS (Continued):

Section 8. This section amends AS 33.30 to require that the Department of Corrections provide written notice to a sex offender of the registration requirements of proposed AS 12.63.010, and to require that the department obtain a signed acknowledgment of receipt of notice from the sex offender at the time of the sex offender's release from a correctional facility, or immediately after taking supervision of a sex offender under the Interstate Corrections Compact or AS 33.36.110.

Section 9. This section amends AS 33.30.901 to provide the meaning of "sex offense" given in proposed AS 12.63.100.

Section 10. This section amends Alaska Rule of Criminal Procedure (11c) to provide that when accepting a plea of guilty or nolo contendere, where the defendant is charged with a sex offense, the court shall inform the defendant in writing of the registration requirement under proposed AS 12.63.010. This section will not have a fiscal impact on the Department of Law.

Section 11 and Section 13. These sections have the effect of changing the Alaska Rule of Criminal Procedure 32(b) to coincide with the notice requirements of Section 3.

Section 12. this section applies the registration provisions based upon the date of conviction and the effective date of the bill.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB69

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to registration BRU: Institutions
of sex offenders" Component: Institutions
 Sponsor: Rep Barnes
 Requestor: Rep Barnes COMPONENT SERIAL NO. 1860

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEDUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary) It is estimated that approximately 50 - 55 sex offenders would require notification per year, or slightly over 4 a month. This duty can be absorbed without additional staff since paperwork must be completed at time of release. The bill also makes it a Class B misdemeanor for a sex offender to knowingly fail to register as required. If 50 sex offenders are released each year, it is estimated that 24% would fail to register, and of that number, 4 would likely be sentenced to some incarceration. A more detailed analysis will follow.

Prepared by: Dana LaTour, Special Assistant Phone: 465-3376
 Division: Office of the Commissioner Date: 1-26-93
 Approved by Commissioner: Lloyd G. Rupp Date: 1-26-93
 Agency: Office of the Commissioner

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(7)

Date Referred: February 8, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 2-26-93

The JUDICIARY Committee considered:

CSHB 69 (STA)

CS FOR HOUSE BILL NO. 69(STA)

SEX OFFENDER REGISTRATION

"An Act relating to registration of and information about sex offenders and amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

RECOMMENDATIONS:

be replaced with

CSHB 69 (JUD)

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 Public Safety

fiscal note(s)

zero fiscal note

zero fiscal note(s)

Law

2/8/93

Corrections

2/8/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Brian S. Porter</i>	<input checked="" type="checkbox"/>				
<i>Gail Phillips</i>	<input checked="" type="checkbox"/>				
<i>Donna ...</i>	<input checked="" type="checkbox"/>				
<i>Pete ...</i>	<input checked="" type="checkbox"/>				

Brian S. Porter
CHAIRMAN'S SIGNATURE

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: 2-26-93
Place: CAPITOL 120

Subject of Meeting: HB64 Anti-Stalking
HB69 Sex Offender Registration
~~HB97 Parental Care Child in State Custody~~
HB100 Prosecution of Juvenile Felons

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
Margot Knuth	Law - Crim				465-4049	<input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N	Any
Lee Ann Leppas	DPS				465-4322	<input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N - All Questions	Any
Jen Tucci	Self	41105 Portage Blvd Juneau AK 99801		789 3726		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	HB69
Allysa Yurish	Self	9202 Emily Way Juneau AK 99801	99801	789-3236	50 ml	Y <input checked="" type="checkbox"/> N	HB69
MARCIA MCKENZIE	CBVSA	BOX 111200 JUNEAU	99803		465-4356	Y <input checked="" type="checkbox"/> N	HB64 + HB69
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: February 24, 1993

Place: Capitol Room 120

Subject of Meeting: HB 69 Sex Offender Registration
HB 97 Parental Care for Child in State Custody

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
BRIAN McCLASKEY	Self	3931 Brentwood Cir	99502	243-0015	265-6443	Y <input checked="" type="radio"/> N	
Jean Marcott	Self	935 West 73rd Ave	99518	349-1946	265-6504	Y <input checked="" type="radio"/> N	
DOBRA VANDERBILT	Self	P.O. Box 220925	99507	248-3669	659-8644	Y <input checked="" type="radio"/> N	
VEN PIERCE	SELF	BEAR MOUNTAIN, WASH	99513	348-1522	651-4551	Y <input checked="" type="radio"/> N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: February 24, 1993

Place: Capitol Room 120

Subject of Meeting: HB 69 Sex Offender Registration
HB 97 Parental Care for Child in State Custody

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
						Y N	
Elmer A. Lindstrom	Special Assistant DHSS				465-3030	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 97
Debra Gerrish	Myself	9202 Emily Way	99801	789-3231	789-3231	<input checked="" type="radio"/> Y <input type="radio"/> N	69
C. C. Swackhammer	DPS			790-3389	465-4322	<input checked="" type="radio"/> Y <input type="radio"/> N <i>if needed</i>	69
Cindy Smith	Network on Domestic Violence	4196th #116	99801	6-3650		Y <input checked="" type="radio"/> N	69
SONYA BRUNDMAN	DFYS	AOB Rm 407	99811		465-3209	Y <input checked="" type="radio"/> N	97
MARCIA MCKENZIE	CDVSA	Box 111200, JUNEAU	99811		465-4356	Y <input checked="" type="radio"/> N	69
Cindy Spangler		POB 22859, JUNEAU	99802	324-3314		Y <input checked="" type="radio"/> N	209
Leslie Alldredge	SELF	1621 Helena Drive	99515	345-2002	265-8426	Y <input checked="" type="radio"/> N	69
W Pat Metz	SELF	4610 Edinburgh Ave	99515	243-7044	263-4306	Y <input checked="" type="radio"/> N	69
Helen Kinsig	DPS	PO Box 1112620, JUNEAU	99811		465-2104	<i>avail for ques.</i> Y <input type="radio"/> N	HB 97
Lee Ann Lucas	DPS			789-9105	465-4322	<i>available for questions</i> Y <input type="radio"/> N	HB 69

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: February 10, 1993

Place: Capitol Room 120

Subject of Meeting: HB 69 - Registration of Sex Offenders; HJR 9 - Const. Amendment: Taxing Power

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
MARCIA MCKENZIE	COUNCIL ON DOM VIOL + SEXL ASSLT	BOX 111200 JUNEAU	99811		465-4356	Y <input checked="" type="radio"/> N	HB 69
MARGOT KAUFF					4040	Y N	HB 69
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

Rep. Brian Porter, Chairman

House Judiciary Committee

Date: February 10, 1993

Place: Capitol Room 120

Subject of Meeting: HB 69 - Registration of Sex Offenders; HJR 9 - Const. Amendment: Taxing Power

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
Doug Wooliver	Rep. Ramona Ornes					<input checked="" type="radio"/> Y <input type="radio"/> N	HB 69
Fesa Terrel	NFIB	9159 Skywood 4196 th	99814		789-4278	<input checked="" type="radio"/> Y <input type="radio"/> N	HJR 9
Cindy Smith	Network on Domestic Violence	Sex. Assault	99801			<input checked="" type="radio"/> Y <input type="radio"/> N	HB 69
C E Swackhammer	DPS	450 Whittier Junction	99801			<input checked="" type="radio"/> Y <input type="radio"/> N	HB 69
Terry Martin	Dist. 14	luck			465-3783	<input checked="" type="radio"/> Y <input type="radio"/> N	HJR 9
W. J. Fudge	DOC					Y ? <input type="radio"/> N	HB 69
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

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Alaska State Legislature



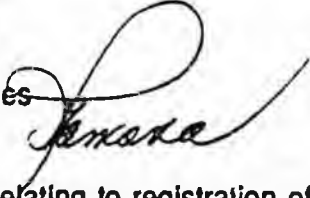
Official Business

Speaker of the House of Representatives

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3720

MEMORANDUM

TO: Representative Al Vezey, Chair
House State Affairs Committee

FROM: Representative Ramona L. Barnes
Speaker of the House 

SUBJECT: Scheduling of HB 69, "An Act relating to registration of and information about sex offenders and amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

DATE: January 27, 1993

This memo is a request to schedule HB 69 for hearing before the House State Affairs Committee.

HB 69 requires all persons who are present in Alaska and have been convicted of sex crimes in Alaska or any other state to register with the Alaska State Troopers and, for a period of years, to provide the Troopers with updated information including their places of residence and employment.

Of the information provided, the name, address, place of employment, date of birth, crime for which convicted and date of conviction would be subject to public disclosure. While technically much of this information is already available, as a practical matter it is extremely difficult to obtain. This is particularly disturbing in light of the fact that a recent report from STAR in Anchorage indicates that Alaska has the highest incidence of child abuse in the nation as well as the second highest incidence of sexual assault.

By improving the access to information regarding sex offenders that reside in Alaska, HB 69 will better enable employers, volunteer coordinators and others to effectively screen those who may work around children or in any other position where people may be vulnerable.

By requiring sex offenders to keep the State Troopers informed as to their whereabouts, HB 69 will enable law enforcement personnel keep better track of them. This is important because not only do sex offenders tend to have multiple victims, but they also frequently repeat their crimes even after serving time in prison. By being required to register, sex offenders may not only be less likely to commit such crimes again but, if they do, law enforcement personnel will have a better chance of identifying them as well as a better idea of where to find them.

Thank you for the prompt scheduling of HB 69.

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Haire indicted on 10 sexual abuse charges

STEVE PILKINGTON

WRITER

A grand jury indicted a 36-year-old Anchorage man Tuesday on charges of sexual abuse, extortion and providing drugs to juveniles in recent months.

Russell D. Haire, who was arrested earlier this month, remains in custody on \$20,000 bail and faces more than 20 additional charges of sexual abuse of minors and tampering with a witness.

Prosecutors have said they will file more charges related to molestation.

Prosecutors said the ages of the alleged victims range from 7 to 13.

Prosecutors said the ages of the alleged victims range from 7 to 13 and include boys and girls. Three children were listed as witnesses before the grand jury Tuesday.

The case began after police said a 10-year-old girl on Feb. 4 told the principal of North Star Elementary School that she witnessed Haire having sex with some of her friends. The charges

accuse Haire of criminal conduct between November 1991 and February 1992.

Haire is accused of taking nude photographs of some of the children, having sex with them, showing them pornographic movies in his Campbell Place home and distributing marijuana to a minor.

Haire told police when he was arrested two days later that he

had pictures of nude children in his possession, but he denied taking them, court records show.

Prosecutors said Haire eventually could face charges of criminal conduct with as many as 17 children.

A District Court judge on Feb. 11 refused to release Haire to his father's custody. The judge also refused a prosecutor's request to raise Haire's bail.

Haire is scheduled to be arraigned today on the 10-count indictment in Anchorage Superior Court before Judge Rene Gonzalez.



Russell D. Haire

Judge upholds 2340 sex-offender registration

By Christopher Jarvis
Journal American Staff Writer

The state's sex-offender registration law applies to people convicted of sex crimes before the law went into effect, a King County Superior Court judge ruled Tuesday.

The decision by King County Superior Court Judge Arthur Pichler cleared the way for the trial of Kenneth James White, a 26-year-old man convicted of molesting a 6-year-old boy in 1987, two years before the requirement became law.

When White was released from the Washington State Penitentiary in November 1990, he told authorities he planned to move into a house in Bellevue.

He did not register with the King County police. Since his release, he has lived primarily on the streets or in shelters. He currently is in the King County Jail.

White now becomes the first person to go to trial in King County accused of a felony charge of failing to register as a sex offender.

Defense attorney Gary Nacht had argued that White shouldn't have to register because his crime occurred before the Community Protection Act of 1990 went into effect.

He said the law is unconstitutional if it applies to people convicted before the law was on the books because it adds punishment to the 31-month prison sentence White served.

To register is an added burden that could draw public attention. That, Nacht argued, could bring about additional punishment in the form of harassment, as it has in other cases.

"These things have happened and you have to speculate they will happen again," he said. To apply it to people convicted before the law existed amounts to a "scarlet letter" being pinned unfairly on White, Nacht said.

Increasing punishment after the fact, he said, has been ruled unconstitutional in court decisions dating back to the 18th Century.

Upon White's release from prison, "he was to be a free man. He was to be able to put this incident behind him and get on with his life," Nacht said.

King County Deputy Prosecutor Kyle Aiken disputed Nacht's contention, saying the law is not punishment but merely allows police to know the whereabouts of former offenders.

In addition, it is no more punishment than the state Department of Licensing's regulation that people should report a change of address.

Among other things Nacht is expected to argue in the trial, which is being heard without a jury, is that White failed to receive adequate notice upon his release that he was required to register.

Bellevue, WA
(King Co.)
Journal American
(Cir. D. 30,000)

JAN 22 1992

Allen's P. C. B. Est. 1888

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Haire indicted on 10 sexual abuse charges

STEVE PILKINGTON
WRITER

A grand jury indicted a 36-year-old Anchorage man Tuesday on charges of sexual abuse, extortion and providing drugs to juveniles in recent months.

Russell D. Haire, who was arrested earlier this month, remains in custody on \$20,000 bail and faces more than 20 additional charges of sexual abuse of minors and tampering with a witness.

Prosecutors have said they will file more charges related to molestation.

Prosecutors said the ages of the alleged victims range from 7 to 13.

Prosecutors said the ages of the alleged victims range from 7 to 13 and include boys and girls. Three children were listed as witnesses before the grand jury Tuesday.

The case began after police said a 10-year-old girl on Feb. 4 told the principal of North Star Elementary School that she witnessed Haire having sex with some of her friends. The charges

accuse Haire of criminal conduct between November 1991 and February 1992.

Haire is accused of taking nude photographs of some of the children, having sex with them, showing them pornographic movies in his Campbell Place home and distributing marijuana to a minor.

Haire told police when he was arrested two days later that he

had pictures of nude children in his possession, but he denied taking them, court records show.

Prosecutors said Haire eventually could face charges of criminal conduct with as many as 17 children.

A District Court judge on Feb. 11 refused to release Haire to his father's custody. The judge also refused a prosecutor's request to raise Haire's bail.

Haire is scheduled to be arraigned today on the 10-count indictment in Anchorage Superior Court before Judge Rene Gonzalez.



Russell D. Haire

Alleged molester freed, rearrested

By A.J. HOSTETLER
The Associated Press

PHILADELPHIA — A man with AIDS who may have paid hundreds of boys and young men to have sex with him was rearrested Saturday night after two more teen-agers made allegations against him, police said.

The man known to many as "Uncle Ed," was back in custody Saturday evening, less than a day after he posted 10 percent of his \$3 million bail. He was first arrested Wednesday.

Lt. James Mooney of the Sex Crimes Unit said the two latest accusers were identified Friday. They bring to four the number of teen-agers who have made allegations.

Mooney said police have identified other youths and he expects additional charges will be filed as the investigation continues.

District Attorney Lynne Abraham, who Friday announced the arrest, said her office signed an agreement with the suspect and his lawyer letting officials say he was an AIDS victim so those who had sexual



"Uncle Ed"

contact with him could take appropriate steps.

Abraham wouldn't release the suspect's name because of a state AIDS confidentiality law, but a court official speaking on condition of anonymity identified him as Edward Savitz, 50, and one of his lawyers, Steve Lacheen, confirmed that Saturday.

AIDS telephone hot lines were inundated after Friday's announcement. A police mug shot of the man was released, and a hot line operator said some callers recognized the man as someone they knew more than a decade ago as "Fast Eddle."

One of the suspect's lawyers on Saturday disputed allegations of dangerous sexual conduct and complained that reports of the arrest were feeding "AIDS hysteria."

Savitz faces a preliminary hearing Wednesday on charges of involuntary deviate sexual intercourse, sexual abuse of children, indecent assault and corrupting the morals of a minor.

Neighbors gave authorities information that led to his arrest, Abraham said. Afterward, he admitted he has had AIDS for at least one year.

Local AIDS hot lines were jammed.

"There were 300 to 400 calls packed into a couple of hours," Francis L. Stoffa Jr., executive director of the AIDS Task Force

2340 Judge upholds sex-offender registration

By Christopher Jarvis
Journal American Staff Writer

The state's sex-offender registration law applies to people convicted of sex crimes before the law went into effect, a King County Superior Court judge ruled Tuesday.

The decision by King County Superior Court Judge Arthur Piehler cleared the way for the trial of Kenneth James White, a 26-year-old man convicted of molesting a 6-year-old boy in 1987, two years before the requirement became law.

When White was released from the Washington State Penitentiary in November 1990, he told authorities he planned to move into a house in Bellevue.

He did not register with the King County police. Since his release, he has lived primarily on the streets or in shelters. He currently is in the King County Jail.

White now becomes the first person to go to trial in King County accused of a felony charge of failing to register as a sex offender.

Defense attorney Gary Nacht had argued that White shouldn't have to register because his crime occurred before the Community Protection Act of 1990 went into effect.

He said the law is unconstitutional if it applies to people convicted before the law was on the books, because it adds punishment to the 31-month prison sentence White served.

To register is an added burden that could draw public attention. That, Nacht argued, could bring about additional punishment in the form of harassment, as it has in other cases.

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Bellevue, WA
(King Co.)
Journal American
(Cir. D. 30,000)

JAN 22 1992

Allen's P. C. S. Est. 1888

Monroe, WA
(Snohomish Co.)
Monroe Monitor
(Cir. W. 3,500)

JUN 19 1991

Allen's P. C. B. Est. 1888

Numerous sex 2091 offenders reside in Sno. county

The Snohomish County Sheriff's Office recently reported that 350 sex offenders are registered in the county.

A bill was passed in February requiring sex offenders to notify local law enforcement agencies when they are released from custody and take up residence in a community. Offenders have been and will be arrested for failure to register in Snohomish County.

Of the 350 sex offenders registered in the county, 160 live in unincorporated areas and 190 live in various cities and towns. The vast majority of the sex offenders reside along the I-5 corridor, where the majority of the general population also resides.

The sex offender law accomplishes several things. It provides, through registration, a degree of sex offender monitoring after the offender is no longer in state custody or under some sort of state supervision. The law provides a forum through which the public can be reasonably informed about sex offenders and about specific offenders who may pose a continuing threat to the community.

The data bank of registered offenders also provides investigators with potential resource information if a registered offender should re-offend.

The sheriff's office said the public should not be lulled into a false sense of security by assuming that all sex offenders are either in custody or registered with a law enforcement agency. Sex offenders, known and unknown, remain at large and still pose a threat within their own family circles and within the community at large.

Examples of how this
community have
used the law -

Tacoma, WA
(Pierce Co.)
Tacoma News Tribune
(Cir. D. 108,436)
(Cir. S. 120,490)

JUN 30 1991

Allen's P. C. B. Est. 1888

Kent-area group 2091 strikes a deal with sex offender

By Gastin Suttle
The News Tribune

A Kent-area block-watch group has struck a deal with a convicted sex offender living in its neighborhood: find him a job, and he will obey the rules.

The 22-year-old man arrived at the Timberlane community this month after serving about 1½ years in a state penitentiary for raping a 16-year-old girl at knife point in 1988, said King County Lt. David Maehren.

The man's arrival alarmed community members, who formed the block-watch group primarily to figure out what to do about his presence, said Lori Herrboldt, one of 22 captains in the neighborhood group.

Block-watch members decided to help the man instead of shun him because "if he's chased out of the area, he's just going to go somewhere else," Herrboldt said.

"If we can turn him around, that will make him an asset to us rather than a threat," she added.

The man has agreed not to go near children for any reason, and he will accept counseling if a counselor can be found, Herrboldt said.

In return, community members will do their best to find him a job.

Herrboldt will accompany him on interviews next week to show potential employers he has community members' support, she said. Although the agreement has a lot of support, some block-watch members "still want to shoot him," Herrboldt said.

But most residents agree it is in their best interest that the offender is working; that way, he is easier to keep track of, she said.

"We wanted to know he was behaving himself ... how he was spending his time," she said.

Maehren commended the block-watch group's response to the offender's presence. Many neighborhoods, he said, would attempt to drive the man out of town.

The Timberlane group's response is "much more constructive, and we're pleased with that," he said.

Maehren also said the group's display of optimism is necessary because "when you're dealing with difficult problems, you often have to be optimistic."

But Maehren cautioned that the community should not be so optimistic that it fails to guard against the offender's presence.

The group should "temper that (optimism) with some realism," he said.

Editorial

Fair warning

12/84

A recent sentence by Superior Court Judge Thomas Schulz should be fair warning to child abusers. Like rape, people are now more inclined to report cases of sexual abuse of children, prosecutors are more likely to take the cases to court and judges aren't afraid to impose strict sentencing. A Ketchikan man was recently sentenced by Schulz to 19 years in jail for sexual abuse of a minor. That term will be added to a five-year sentence the man is already serving for the same charge.

Nineteen years sounds like a stiff penalty, but in some cases it doesn't approach justice. In this case, the man had a prior conviction from Washington state. Despite that, his wife obtained a state license for a child care facility in Ketchikan — where the man abused an 8-year-old boy. While awaiting sentencing on that charge, he sexually abused still another child.

One could argue that justice has been served. The mother of the 8-year-old sued the state and collected about \$1.5 million for her claims that the state was negligent in not warning child care clients of the man's tendencies and for not revoking the child care license. And the man has now been sentenced on both charges.

But the sad part of the story is that a convicted abuser was able to go as far as he did. There were just enough cracks in the system to let him through. And there are still more cracks available, depending on probation.

But people's perceptions of child abuse are changing. Just a few years ago, rape victims were the ones who felt guilty of a crime. Now people are beginning to acknowledge that it's the perpetrator, not the victim, who deserves the scrutiny. As that perception changed, women became more likely to report rapes and pursue convictions.

The same thing is happening with child abuse. People, including family members, are more willing to admit that it's the children, not the adult perpetrator, who are the victims. In some cases, treatment for the offender may help solve the problem. In other cases, stiff sentencing is the only answer.

Public reporting on child abuse cases is another factor that can help stem its growth. If abusers know they face criminal prosecution, they should also know that their name will appear in public.

But more important than shaming the criminal, public information about child abuse can help people understand and come to terms with it. As each child abuse case is reported, it serves as an example to someone else who might be living with it — and thinking they're alone with it.

Unfortunately, public scrutiny might embarrass the... as well. We're confident that will change. The first step is under

Ketchikan Daily News 12/84

February 4, 1992, All-Alaska Weekly

Hearing set for molester

BETHEL—A public hearing before a state professional board is set for convicted child molester John Hawkins, Ph.D. who seeking his license to practice as a psychologist, according to *The Tundra Drums*.

The Board of Psychologist and Psychological Associate Examiners will hear the re-licensing case in Bethel February 17. The hearing was originally scheduled for last November in Anchorage.

Hawkins, 72, had his psychologist's license revoked following a 1984 conviction of sexually abusing a 13-year old girl. He spent two years in prison and underwent several years of court-ordered sex offender treatment.

Prior to his conviction, Hawkins was a clinical psychologist for the Yukon-Kuskokwim Health Corporation and the Lower Kuskokwim School District.

This is Hawkins' second attempt to get his license back. He was denied it by the board in 1989.

Hawkins' public statements about child-molestation have been controversial.



Associated Press

event Thursday, joined long-track speedskater as the only two American double-medal winners at the 1992 Winter Olympic Games.

Winners, losers

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(CS, Back Page)

MEDALS

Through Saturday

	G	S	B	T
Germany	10	10	8	28
Unified Team	8	8	8	22
Austria	6	7	8	21
Norway	6	8	9	20
Italy	4	6	4	14
United States	6	4	2	11
France	6	6	1	9
Finland	3	1	3	7
Japan	1	2	4	7
Canada	2	2	2	6
South Korea	2	1	1	4
The Netherlands	1	1	2	4
Sweden	1	3	3	4
Switzerland	1	0	2	3
China	0	3	0	3
Luxembourg	0	2	0	2
Czechoslovakia	0	0	2	2
New Zealand	0	1	0	1
North Korea	0	0	1	1
Spain	0	0	1	1

Olympics coverage, Page C-4

Time doesn't heal trauma

Victims of sex abuse hit time limit on prosecutions

By ANNA FARNESKI
Staff Writer

As the white-haired man sat at the defense table, leaning forward to hear the judge's comments, tears welled in the eyes of a 28-year-old woman sitting alone in the courtroom visitors' gallery.

The droplets rolled down her face, over the dark circles beneath her blue eyes. She wiped the tears on her skirt. Her gaze returned to the scholarly-looking man.

Attending George "Biff" McGlaufflin's sentencing hearing in late January was as close as the young woman will ever get to justice. McGlaufflin cannot be punished for what he did to her when she was 9 years old.

A boarder at her parents' home, McGlaufflin befriended her, treated her like a daughter . . . and then like a mistress. He showered her with gifts and attention, but robbed her of her childhood.

McGlaufflin, 64, was sentenced to eight years in jail Jan. 25 after a judge earlier found him guilty of raping and sexually abusing a 5-year-old girl—not the woman in court—between 1981 and 1983.

Based on evidence from the state and pornographic photos of young boys and girls shot by McGlaufflin, the prosecutor estimated that the retired laborer sexually abused at least three other young children in the mid-1970s in Fairbanks. But McGlaufflin, 64, could not be prosecuted for those alleged crimes because the statute of limitations on the crimes prevents the state from filing charges.

The young woman who wept silently was one of the girls in the photographs. McGlaufflin admitted to the crime in court and in a letter to the judge.

"It's like we don't matter," the woman said in an interview later. "Why don't we matter?"

According to mental health experts, victims of childhood sexual abuse are often so traumatized by the abuse that they repress the memories for years. In the interim, they are often plagued with depression, anger, food disorders, drug and alcohol abuse and suicidal tendencies.

Often, their minds do not allow them to recall the events, or deal with them, until they are mature adults. By that time, the state cannot prosecute, so the perpetrator remains free.

Advocates for victims of sexual assault and sex abuse throughout the state want the statute of limitations for prosecution lengthened, and they have gone to the Legislature for help.

At his hearing in January, McGlaufflin asked the judge for leniency. He has heart problems,

The numbers

Alaska's sex abuse rate is six times the national average, according to the state Division of Family and Youth Services.
Alaska: One of every 105 children is abused.
Nation: One of every 633 children is abused.

he said, and he hasn't touched a child since 1983. His niece, a speech writer for President George Bush, sent the judge a letter asking for a light sentence. She used White House letterhead.

McGlaufflin's attorney said the man has rehabilitated himself.

Despite his conviction, McGlaufflin adamantly denied any misconduct with children, with one exception. He admitted to sexual relations with the 28-year-old woman at the sentencing hearing, who is referred to as "R" in the court record.

With "R," McGlaufflin said, he was able to "experiment to my heart's content. She was a very loving, responsive, imaginative young person."

But the grown woman doesn't associate such feelings with the experience. While growing up after that time, she always thought nobody liked her. Even now, intimacy with her husband is difficult. Despite help from a therapist, she has nightmares and often cannot sleep.

Sex abuse victims in Fairbanks, including McGlaufflin's 28-year-old victim, have gathered more than 400 signatures from Fairbanks residents supporting a bill to change the statute of limitations.

Under current state law, a victim must report the crime before his or her 17th birthday and within 10 years of the offense, or the state cannot prosecute. Compared to other states, Alaska's statute of limitations on sex abuse is short, according to legislators and advocates for victims.

The topic is "hot one" in Juneau these days, legislators said. National attention focused on the issue last year after celebrities, such as comedian Roseanne Arnold announced they had been sexually abused as children.

"It's topical and there's a lot of interest and support," said Rep. Mark Boyer, D-Fairbanks. "My guess is we'll see a change in the statutes."

Boyer's HB 378 would remove any time limitation on reporting sexual abuse. It would also raise the age of consent from 16 to 18. Sens. Arlisa Sturgulewski, Virginia

(See ABUSE, Back Page)

Ketchikan man charged with sexual abuse of minors

ASSOCIATED PRESS

KETCHIKAN — A grand jury has charged a Ketchikan man with 24 counts of second-degree sexual abuse of a minor and related charges.

Richard Dunker, 39, was charged with bringing six boys, aged 11 to 16, to his apartment, giving them alcohol, tobacco and money and trying to get them to have sex with him and pose for videotaping sessions.

The grand jury returned the

indictments on Friday.

Dunker was arrested March 19. He was jailed on \$100,000 bail. If convicted, he could receive more than 70 years in jail.

The charges included second-degree sexual abuse of a minor, attempted sexual abuse of a minor, indecent exposure, contributing to the delinquency of minors, unlawful exploitation of minors and attempted exploitation of minors.

Five minors testified to the grand jury, along with Ketchikan

Police Officer Dale Young and police Lt. Michael Hunter.

According to an affidavit filed in support of a search warrant, the investigating officer interviewed at least two of the boys. One said Dunker gave him wine coolers and paid him to lie on the floor naked with another teen-aged boy and all in his underwear. The boy said Dunker would show pornographic videotapes to the boys in his apartment.

Dunker paid one boy \$20 to watch a video of men engaged in

sex acts and asked the boy if he would like to do those things with him.

It was not immediately known if any of the minors agreed to the sex acts.

"He told (the boy) that it wasn't so bad," Jacobson wrote. Dunker paid the boy to allow Dunker to videotape him with his clothes on, the boy said.

Dunker had the boy visit his apartment 60 times, the boy said, but also told him to come to his boat.

"Dunker wanted his relationship with the boys to be secret from his girlfriend with whom he shares an apartment," Jacobson wrote.

"The boy told me that Dunker masturbates while the boys are present and does this while watching the pornographic videos. He was naked in front of (the boy) on one occasion and on another occasion he flashed him showing his genitals," Jacobson wrote.

According to court records,

Dunker told two of the boys that if they knew any pretty young girls that wanted to be videotaped, to bring them to the apartment.

"He requested pretty young ones that were about 6- or 7-years-old," Jacobson wrote.

Another young boy told detective Young that he had been offered beer but did not drink it. He said he was offered \$25 to be videotaped nude on several occasions but did not agree to it.

Revamp of

Prices Beat!



ABUSE

(Continued from Page A-1)

Collins and Lyman Hoffman also introduced similar bills.

Boyer said he and other legislators have been bombarded with mail on the issue.

He began researching the status of limitations after a victim here pointed out the problem to him. "At first I was skeptical because of all the national media attention given to people like Roseann Barr, but once I looked at the issue and did the research, I thought, boy, this was serious."

What's fair?

However, not everyone is pleased at the thought of an increase in the statute of limitations on sex abuse crimes. Assistant Public Defender Paul Canarsky, who defended McGlaufflin, said the change would be costly to the state and unfair to defendants.

Canarsky said defendants would have to rely on old evidence. He also predicted that the prosecutors would use already scarce funds to try old cases. Prosecutors would decline more current cases, he said.

"The thing about the statute of limitations, though, is that it also embodies a common sense approach," he added. "Unless it's something really, really serious like murder, the mistakes a person has made in the past should be left behind them."

Canarsky said he objects to special rules for a class of crimes. The statute of limitations for most crimes is five years. There is none for murder.

Law enforcement officials say they would welcome a change in the rules. They said the additional cases would not be too expensive or time-consuming.

Karla Taylor Welch, the assistant district attorney who prosecutes sex abuse cases here, said that in the past year there were four cases in which she could not prosecute individuals on alleged crimes because of the statute of limitations. Two of the men, including McGlaufflin, were convicted on other sexual abuse charges, but two of the men remain free.

In McGlaufflin's case, Welch said, it would have been easy to convict, because McGlaufflin saved hundreds of photos that he took of the boys and girls he molested.

Alaska State Trooper Sgt. Jim McCann, who investigated the McGlaufflin case, said he routinely learns of abuse cases in which the statute of limitations has expired. "That sort of thing happens all the time, we're getting more and more," he said.

"It hurts, and it's not very easy for us to look into the eyes of the victim that sits before us and say 'I'm sorry there's nothing for us to do.'"

McCann disagrees with a statute of limitations on any crime.

"What do we owe this perpetrator?" he asked. "Why is it not fair if we can prove 10 or 15 years later that he's a pedophile. If we can make the case, who cares?"

OLYMPICS

(Continued from Page A-1)

disappointments in '84 and '88, the one-man ski squad from Luxembourg claimed two medals here, without further detail.

Alaska State Legislature



Official Business

Speaker of the House of Representatives

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3720

SPONSOR STATEMENT

TO: All Members, House of Representatives

FROM: Representative Ramona L. Barnes
Speaker of the House

Ramona JAN 27 RECD

SUBJECT: HB 69, "An Act relating to registration of and information about sex offenders and amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

DATE: January 27, 1993

HB 69 requires all persons who are present in Alaska and have been convicted of sex crimes in Alaska or any other state to register with the Alaska State Troopers and, for a period of years, to provide the Troopers with updated information including their places of residence and employment.

Of the information provided, the name, address, place of employment, date of birth, crime for which convicted and date of conviction would be subject to public disclosure. While technically much of this information is already available, as a practical matter it is extremely difficult to obtain. This is particularly disturbing in light of the fact that a recent report from STAR in Anchorage indicates that Alaska has the highest incidence of child abuse in the nation as well as the second highest incidence of sexual assault.

By improving the access to information regarding sex offenders that reside in Alaska, HB 69 will better enable employers, volunteer coordinators and others to effectively screen those who may work around children or in any other position where people may be vulnerable.

By requiring sex offenders to keep the State Troopers informed as to their whereabouts, HB 69 will enable law enforcement personnel keep better track of them. This is important because not only do sex offenders tend to have multiple victims, but they also frequently repeat their crimes even after serving time in prison. By being required to register, sex offenders may not only be less likely to commit such crimes again but, if they do, law enforcement personnel will have a better chance of identifying them as well as a better idea of where to find them.

I would invite and encourage others to join me in support of this much needed legislation.

8-LS03950
Luckhaupt
2/24/93

CS FOR HOUSE BILL NO. 69(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES BARNES, Ulmer, Phillips, Nordlund, Porter, Olberg, James, B.Davis, Green, Sanders, Toohy, Mackie

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration of and information about sex offenders and
2 amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

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

4 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

- 5 (1) sex offenders pose a high risk of reoffending after release from custody;
- 6 (2) protecting the public from sex offenders is a primary governmental interest;
- 7 (3) the privacy interests of persons convicted of sex offenses are less important
- 8 than the government's interest in public safety; and
- 9 (4) release of certain information about sex offenders to public agencies and
- 10 the general public will assist in protecting the public safety.

11 * Sec. 2. AS 11.56 is amended by adding a new section to article 5 to read:

12 Sec. 11.56.840. FAILURE TO REGISTER AS A SEX OFFENDER. A person
13 who knowingly fails to (1) register, (2) file the written notice of change of address, (3)
14 file the annual written notice or statement, or (4) supply blood or saliva samples, as

1 required in AS 12.63.010, is guilty of a class A misdemeanor.

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

3 Sec. 12.55.148. JUDGMENT FOR SEX OFFENSES. (a) When a defendant
4 is convicted of a sex offense by a court of this state, the written judgment must set out
5 the requirements of AS 12.63.010.

6 (b) In this section, "sex offense" has the meaning given in AS 12.63.100.

7 * Sec. 4. AS 12 is amended by adding a new chapter to read:

8 CHAPTER 63: REGISTRATION OF SEX OFFENDERS.

9 Sec. 12.63.010. REGISTRATION OF SEX OFFENDERS AND RELATED
10 REQUIREMENTS. (a) A sex offender who is physically present in the state shall
11 register as provided in this section. The sex offender shall register within

12 (1) seven days of release from a state correctional facility;

13 (2) seven days of conviction for a sex offense if the sex offender is not
14 sentenced to a term of incarceration; or

15 (3) 14 days of becoming physically present in the state, unless the sex
16 offender is a probationer or parolee being supervised by the state as the receiving state
17 under AS 33.36.110 - 33.36.120, in which case the sex offender shall register within
18 seven days of becoming physically present in the state.

19 (b) A sex offender required to register under (a) of this section shall register
20 in person at the Alaska state trooper post or local police department located nearest to
21 where the sex offender resides at the time of registration. To fulfill the registration
22 requirement, the sex offender shall

23 (1) complete a registration form that includes, at a minimum, the sex
24 offender's name, address, place of employment, date of birth, each conviction for a sex
25 offense for which the duty to register has not terminated under AS 12.63.020, date of
26 sex offense convictions, place and court of sex offense convictions, all aliases used,
27 and driver's license number;

28 (2) allow the Alaska state troopers or local police to take a complete
29 set of the sex offender's fingerprints and to take the sex offender's photograph.

30 (c) If a sex offender changes residence within the state after having registered
31 under (a) of this section, the sex offender shall provide written notice of the change

1 to the Alaska state trooper post or local police department located nearest to the new
2 residence within 10 days of the change.

3 (d) A sex offender required to register under (a) of this section shall annually,
4 during the term of a duty to register under AS 12.63.020, on a date set by the
5 department at the time of the sex offender's initial registration, provide written notice
6 to the department of any changes to the information initially provided under (b)(1) of
7 this section, or if there are no changes, a statement to that effect.

8 (e) A sex offender whose requirement to register under (a) of this section
9 arises on or after January 1, 1997, shall provide ^{an adequate} ~~two~~ specimens of blood, and a saliva
10 sample. The specimens and samples shall be forwarded to the department for genetic
11 typing analysis, including analysis of deoxyribonucleic acid (DNA).

12 Sec. 12.63.020. TERMINATION OF SEX OFFENDER DUTY TO
13 REGISTER. The duty of a sex offender to comply with the requirements of
14 AS 12.63.010 ends for each sex offense ^{life} ~~20~~ ²⁰ ~~year~~ ^{year} ~~or~~ ^{or} ~~more~~ ^{more} ~~than~~ ^{than} ~~10~~ ¹⁰ ~~years~~ ^{years}

15 (1) ^{life} ~~20~~ years following the sex offender's unconditional discharge from
16 a conviction for an unclassified, class A, or class B felony sex offense;

17 (2) 10 years following the sex offender's unconditional discharge from
18 a conviction for a class C felony, or a class A misdemeanor sex offense.

19 Sec. 12.63.100. DEFINITIONS. In this chapter,

20 (1) "department" means the Department of Public Safety;

21 (2) "sex offender" means a person convicted of a sex offense in this
22 state or another jurisdiction regardless of whether the conviction occurred before, after,
23 or on the effective date of this section;

24 (3) "sex offense" means a crime, or an attempt to commit a crime,
25 under AS 11.41.410 - 11.41.455, AS 11.61.125, AS 11.66.110, former AS 11.15.120
26 or 11.15.134, or former AS 11.40.110, 11.40.130, or 11.41.200, or a similar law in
27 another jurisdiction;

28 (4) "unconditional discharge" has the meaning given in AS 12.55.185.

29 * Sec. 5. AS 18.65 is amended by adding a new section to read:

30 Sec. 18.65.087. CENTRAL REGISTRY OF SEX OFFENDERS. (a) The
31 Department of Public Safety shall maintain a central registry of sex offenders required

1 to register under AS 12.63.010 and shall adopt regulations necessary to carry out the
2 purposes of this section and AS 12.63. A post of the Alaska state troopers or a police
3 department that receives information under AS 12.63.010 shall forward the information
4 within five working days of receipt to the central registry of sex offenders.

5 (b) Information about a sex offender that is contained in the central registry,
6 including sets of fingerprints, is confidential and not subject to public disclosure except
7 as to the sex offender's name, address, photograph, place of employment, date of birth,
8 crime for which convicted, date of conviction, place and court of conviction, and
9 length of sentence.

10 (c) The Department of Public Safety

11 (1) shall adopt regulations

12 (A) to allow a sex offender to review sex offender registration
13 information that refers to that sex offender, and if the sex offender believes the
14 information is inaccurate or incomplete, to request the department to correct the
15 information;

16 (B) ensure the appropriate circulation to law enforcement
17 agencies of information contained in the central registry;

18 (C) implement the collection and analysis program authorized
19 in AS 12.63.010(e);

20 (2) shall provide to local police departments the forms and directions
21 necessary to allow sex offenders to comply with AS 12.63.010;

22 (3) may adopt regulations to establish fees to be charged for registration
23 under AS 12.63.010 and for information requests.

24 * Sec. 6. AS 28.05 is amended by adding a new section to read:

25 Sec. 28.05.048. SEX OFFENDER REGISTRATION. The department shall
26 display notice of the registration requirements of AS 12.63.010 at a place where the
27 public may apply for a driver's license, identification card, or vehicle registration.

28 * Sec. 7. AS 33.30 is amended by adding a new section to read:

29 Sec. 33.30.012. NOTICE OF RELEASE, PAROLE, COMMUNITY
30 PLACEMENT, WORK RELEASE PLACEMENT, FURLOUGH, OR ESCAPE OF
31 SEX OFFENDER. (a) At the earliest possible date, and in no event later than 10

1 days before release, the commissioner shall send written notice of release, parole,
2 community placement, work release placement, or furlough of a specific inmate
3 convicted of a sex offense to:

4 (1) the chief of police of the community, if any, in which the inmate
5 will reside; and

6 (2) the Alaska state trooper post located nearest to where the inmate
7 will reside.

8 (b) If an inmate convicted of a sex offense escapes from a correctional facility,
9 the commissioner shall immediately notify the chief of police of the community and
10 Alaska state trooper post located closest to where the inmate resided immediately
11 before the inmate's arrest and conviction.

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

13 Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION
14 REQUIREMENT. The department shall provide written notice to a sex offender of
15 the registration requirements of AS 12.63.010, and shall obtain a signed
16 acknowledgement of receipt of notice from the sex offender

17 (1) at the time of the sex offender's release from a state correctional
18 facility;

19 (2) immediately after taking supervision of a sex offender under the
20 Interstate Corrections Compact or AS 33.36.110.

21 * Sec. 9. AS 33.30.901 is amended by adding a new paragraph to read:

22 (14) "sex offender" has the meaning given in AS 12.63.100.

23 * Sec. 10. Alaska Rule of Criminal Procedure 11(c) is amended to read:

24 (c) PLEAS OF GUILTY OR NOLO CONTENDERE. The court shall not
25 accept a plea of guilty or nolo contendere from a defendant without first addressing
26 the defendant personally and

27 (1) determining that the defendant [HE] understands the nature of the
28 charge; and

29 (2) informing the defendant [HIM] that by the [HIS] plea of guilty or
30 nolo contendere the defendant [HE] waives the [HIS] right to trial by jury or trial by
31 a judge and the right to be confronted with the witnesses against the defendant

1 [HIM]; [AND]

2 (3) informing the defendant [HIM]:

3 (i) of the mandatory minimum punishment, if any, and
4 the maximum possible punishment provided by the statute defining the
5 offense to which the plea is offered, and

6 (ii) that the defendant has the right to plead not guilty
7 or to persist in that plea if it has already been made, or to plead guilty;
8 and

9 (4) if the defendant is charged with a sex offense as defined in
10 AS 12.63.100, informing the defendant in writing of the requirements of
11 AS 12.63.010.

12 * Sec. 11. The provisions of AS 12.55.148, added by sec. 3 of this Act, have the effect of
13 changing Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment
14 containing notification of the requirements of AS 12.63.010 be provided to a defendant
15 convicted of a sex offense.

16 * Sec. 12. APPLICABILITY. A sex offender whose most recent conviction for a sex
17 offense occurred before the effective date of this Act and whose duty to register has not
18 terminated under AS 12.63.020, added by sec. 4 of this Act, before January 1, 1994, shall
19 register under AS 12.63.010, added by sec. 4 of this Act, on the date the duty to register arises
20 under AS 12.63.010 or by January 1, 1994, whichever occurs later. In this section, "sex
21 offender" and "sex offense" have the meanings given by AS 12.63.100, added by sec. 4 of this
22 Act.

23 * Sec. 13. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 11 of this
24 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
25 Constitution of the State of Alaska.

8-LS0395R
Luckhaupt
2/26/93

CS FOR HOUSE BILL NO. 69(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES BARNES, Ulmer, Phillips, Nordlund, Porter, Olberg, James, B.Davis, Green, Sanders, Toohey, Mackie

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration of and information about sex offenders and
2 amending Alaska Rules of Criminal Procedure 11(c) and 32(b); and providing for
3 an effective date."

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

5 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

- 6 (1) sex offenders pose a high risk of reoffending after release from custody;
- 7 (2) protecting the public from sex offenders is a primary governmental interest;
- 8 (3) the privacy interests of persons convicted of sex offenses are less important
- 9 than the government's interest in public safety; and

10 (4) release of certain information about sex offenders to public agencies and
11 the general public will assist in protecting the public safety.

12 * Sec. 2. AS 11.56 is amended by adding a new section to article 5 to read:

13 Sec. 11.56.840. FAILURE TO REGISTER AS A SEX OFFENDER. A person
14 who knowingly fails to (1) register, (2) file the written notice of change of address, or

1 (3) file the annual written notice or statement, as required in AS 12.63.010, is guilty
2 of a class A misdemeanor.

3 * Sec. 3. AS 11.56.840 is repealed and reenacted to read:

4 Sec. 11.56.840. FAILURE TO REGISTER AS A SEX OFFENDER. A person
5 who knowingly fails to (1) register, (2) file the written notice of change of address, (3)
6 file the annual written notice or statement, or (4) supply a blood sample, as required
7 in AS 12.63.010, is guilty of a class A misdemeanor.

8 * Sec. 4. AS 12.55 is amended by adding a new section to read:

9 Sec. 12.55.148. JUDGMENT FOR SEX OFFENSES. (a) When a defendant
10 is convicted of a sex offense by a court of this state, the written judgment must set out
11 the requirements of AS 12.63.010.

12 (b) In this section, "sex offense" has the meaning given in AS 12.63.100.

13 * Sec. 5. AS 12 is amended by adding a new chapter to read:

14 CHAPTER 63. REGISTRATION OF SEX OFFENDERS.

15 Sec. 12.63.010. REGISTRATION OF SEX OFFENDERS AND RELATED
16 REQUIREMENTS. (a) A sex offender who is physically present in the state shall
17 register as provided in this section. The sex offender shall register within

18 (1) seven days of release from a state correctional facility;

19 (2) seven days of conviction for a sex offense if the sex offender is not
20 sentenced to a term of incarceration; or

21 (3) 14 days of becoming physically present in the state, unless the sex
22 offender is a probationer or parolee being supervised by the state as the receiving state
23 under AS 33.36.110 - 33.36.120, in which case the sex offender shall register within
24 seven days of becoming physically present in the state.

25 (b) A sex offender required to register under (a) of this section shall register
26 in person at the Alaska state trooper post or municipal police department located
27 nearest to where the sex offender resides at the time of registration. To fulfill the
28 registration requirement, the sex offender shall

29 (1) complete a registration form that includes, at a minimum, the sex
30 offender's name, address, place of employment, date of birth, each conviction for a sex
31 offense for which the duty to register has not terminated under AS 12.63.020, date of

1 sex offense convictions, place and court of sex offense convictions, all aliases used,
2 and driver's license number;

3 (2) allow the Alaska state troopers or municipal police to take a
4 complete set of the sex offender's fingerprints and to take the sex offender's
5 photograph.

6 (c) If a sex offender changes residence within the state after having registered
7 under (a) of this section, the sex offender shall provide written notice of the change
8 to the Alaska state trooper post or ~~local~~ ^{MUNI.} police department located nearest to the new
9 residence within 10 days of the change.

10 (d) A sex offender required to register under (a) of this section shall annually,
11 during the term of a duty to register under AS 12.63.020, on a date set by the
12 department at the time of the sex offender's initial registration, provide written notice
13 to the department of any changes to the information initially provided under (b)(1) of
14 this section, or if there are no changes, a statement to that effect.

15 Sec. 12.63.020. DURATION OF SEX OFFENDER DUTY TO REGISTER.

16 (a) The duty of a sex offender to comply with the requirements of AS 12.63.010 for
17 each sex offense

18 (1) continues for the lifetime of a sex offender convicted of an
19 unclassified or class A felony sex offense;

20 (2) ends 20 years following the sex offender's unconditional discharge
21 from a conviction for a class B or class C felony sex offense;

22 (3) ends 10 years following the sex offender's unconditional discharge
23 from a conviction for a class A misdemeanor sex offense.

24 (b) The department shall adopt, by regulation, procedures to notify a sex
25 offender who, on the registration form under AS 12.63.010, lists a conviction for a sex
26 offense that is a violation of a former law of this state or a law of another jurisdiction,
27 of the duration of the offender's duty under (a) of this section for that sex offense.

28 Sec. 12.63.100. DEFINITIONS. In this chapter,

29 (1) "department" means the Department of Public Safety;

30 (2) "sex offender" means a person convicted of a sex offense in this
31 state or another jurisdiction regardless of whether the conviction occurred before, after,

1 or on the effective date of this section;

2 (3) "sex offense" means a crime, or an attempt to commit a crime,
3 under AS 11.41.410 - 11.41.455, AS 11.61.125, AS 11.66.110, former AS 11.15.120
4 or 11.15.134, or former AS 11.40.110, 11.40.130, or 11.41.200, or a similar law in
5 another jurisdiction;

6 (4) "unconditional discharge" has the meaning given in AS 12.55.185.

7 * Sec. 6. AS 12.63.010 is amended by adding a new subsection to read:

8 (e) A sex offender whose requirement to register under (a) of this section
9 arises on or after January 1, 1997, shall provide a specimen of blood adequate for
10 genetic typing analysis, including analysis of deoxyribonucleic acid (DNA).

11 * Sec. 7. AS 18.65 is amended by adding a new section to read:

12 Sec. 18.65.087. CENTRAL REGISTRY OF SEX OFFENDERS. (a) The
13 Department of Public Safety shall maintain a central registry of sex offenders required
14 to register under AS 12.63.010 and shall adopt regulations necessary to carry out the
15 purposes of this section and AS 12.63. A post of the Alaska state troopers or a
16 municipal police department that receives information under AS 12.63.010 shall
17 forward the information within five working days of receipt to the central registry of
18 sex offenders.

19 (b) Information about a sex offender that is contained in the central registry,
20 including sets of fingerprints, is confidential and not subject to public disclosure except
21 as to the sex offender's name, address, photograph, place of employment, date of birth,
22 crime for which convicted, date of conviction, place and court of conviction, and
23 length of sentence.

24 (c) The Department of Public Safety

25 (1) shall adopt regulations to

26 (A) allow a sex offender to review sex offender registration
27 information that refers to that sex offender, and if the sex offender believes the
28 information is inaccurate or incomplete, to request the department to correct the
29 information;

30 (B) ensure the appropriate circulation to law enforcement
31 agencies of information contained in the central registry;

1 (C) implement the collection and analysis program authorized
2 in AS 12.63.010(e);

3 (2) shall provide to municipal police departments the forms and
4 directions necessary to allow sex offenders to comply with AS 12.63.010;

5 (3) may adopt regulations to establish fees to be charged for registration
6 under AS 12.63.010 and for information requests.

7 * Sec. 8. AS 28.05 is amended by adding a new section to read:

8 Sec. 28.05.048. SEX OFFENDER REGISTRATION. The department shall
9 display notice of the registration requirements of AS 12.63.010 at a place where the
10 public may apply for a driver's license, identification card, or vehicle registration.

11 * Sec. 9. AS 33.30 is amended by adding a new section to read:

12 Sec. 33.30.012. NOTICE OF RELEASE, PAROLE, COMMUNITY
13 PLACEMENT, WORK RELEASE PLACEMENT, FURLOUGH, OR ESCAPE OF
14 SEX OFFENDER. (a) At the earliest possible date, and in no event later than 10
15 days before release, the commissioner shall send written notice of release, parole,
16 community placement, work release placement, or furlough of a specific inmate
17 convicted of a sex offense to:

18 (1) the chief of police of the community, if any, in which the inmate
19 will reside; and

20 (2) the Alaska state trooper post located nearest to where the inmate
21 will reside.

22 (b) If an inmate convicted of a sex offense escapes from a correctional facility,
23 the commissioner shall immediately notify the chief of police of the community and
24 Alaska state trooper post located closest to where the inmate resided immediately
25 before the inmate's arrest and conviction.

26 * Sec. 10. AS 33.30 is amended by adding a new section to read:

27 Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION
28 REQUIREMENT. The department shall provide written notice to a sex offender of
29 the registration requirements of AS 12.63.010, and shall obtain a signed
30 acknowledgement of receipt of notice from the sex offender

31 (1) at the time of the sex offender's release from a state correctional

1 facility;

2 (2) immediately after taking supervision of a sex offender under the
3 Interstate Corrections Compact or AS 33.36.110.

4 * Sec. 11. AS 33.30.901 is amended by adding a new paragraph to read:

5 (14) "sex offender" has the meaning given in AS 12.63.100.

6 * Sec. 12. Alaska Rule of Criminal Procedure 11(c) is amended to read:

7 (c) PLEAS OF GUILTY OR NOLO CONTENDERE. The court shall not
8 accept a plea of guilty or nolo contendere from a defendant without first addressing
9 the defendant personally and

10 (1) determining that the defendant [HE] understands the nature of the
11 charge; and

12 (2) informing the defendant [HIM] that by the [HIS] plea of guilty or
13 nolo contendere the defendant [HE] waives the [HIS] right to trial by jury or trial by
14 a judge and the right to be confronted with the witnesses against the defendant
15 [HIM]; [AND]

16 (3) informing the defendant [HIM]:

17 (i) of the mandatory minimum punishment, if any, and
18 the maximum possible punishment provided by the statute defining the
19 offense to which the plea is offered, and

20 (ii) that the defendant has the right to plead not guilty
21 or to persist in that plea if it has already been made, or to plead guilty;
22 and

23 (4) if the defendant is charged with a sex offense as defined in
24 AS 12.63.100. informing the defendant in writing of the requirements of
25 AS 12.63.010.

26 * Sec. 13. The provisions of AS 12.55.148, added by sec. 4 of this Act, have the effect of
27 changing Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment
28 containing notification of the requirements of AS 12.63.010 be provided to a defendant
29 convicted of a sex offense.

30 * Sec. 14. APPLICABILITY. A sex offender whose most recent conviction for a sex
31 offense occurred before the effective date of this Act and whose duty to register has not

1 terminated under AS 12.63.020, added by sec. 5 of this Act, before January 1, 1994, shall
2 register under AS 12.63.010, added by sec. 5 of this Act, on the date the duty to register arises
3 under AS 12.63.010 or by January 1, 1994, whichever occurs later. In this section, "sex
4 offender" and "sex offense" have the meanings given by AS 12.63.100, added by sec. 5 of this
5 Act.

6 * Sec. 15. AS 12.55.148, added by sec. 4 of this Act, takes effect only if sec. 13 of this
7 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
8 Constitution of the State of Alaska.

9 * Sec. 16. Sections 3 and 6 of this Act take effect January 1, 1997.

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✓ STATES WITH CONSTITUTIONAL
"RIGHT TO PRIVACY" PROVISION

STATUTES AND LEGISLATION REGARDING MANDATORY SUBMISSION TO BLOOD
TESTING/DATABANKING

- ✓ 1. ARIZONA - ARIZ. REV. STAT. ANN. 31-281 (1990);
- ✓ 2. CALIFORNIA - CAL. PENAL CODE 290.2 (1990);
3. COLORADO - COLO. REV. STAT. 17-2-201 (1990);
- ✓ 4. FLORIDA - FLA. STAT. ANN. 943.325 (1990);
5. GEORGIA - CODE OF GEORGIA 24-4-60 (1992);
- ✓ 6. HAWAII - HAWAII REV. STAT. ANN. 706-603 (1992);
- ✓ 7. ILLINOIS - ILL. REV. STAT. Ch. 38-5-4-3 (1990);
8. INDIANA - IND. CODE 20-12-34.5 et. seq. (1990);
9. IOWA - IOWA CODE ANN. 13.10 (1990);
10. KANSAS - 1991 KANSAS LAWS Ch. 92 (S.B. No. 329);
11. KENTUCKY - 1992 KENTUCKY LAWS Ch. 175 (HB 631);
- ✓ 12. LOUISIANA - LOUISIANA REV. STAT. 15:535 (1991);
13. MICHIGAN - MICH. COMP. LAWS. ANN. 750.520m (1990) (effective
10/1/91);
14. MINNESOTA - MINN. STAT. ANN. 609.3461 (1990);
15. MINNESOTA - MINN. STAT. ANN. 299C.155 (1990);
16. MISSOURI - MISSOURI STAT. ANN. 650.050 (1991);
17. NEVADA - NEV. REV. STAT. 176.111 (1990);
18. OREGON - OREGON REV. STAT. 181.085 (1991);
19. SOUTH DAKOTA - S.D. CODIFIED LAWS. ANN. 23-5-14 et. seq.
(1990);
20. TENNESSEE - TENN. CODE ANN. 38-6-113 (1991);
21. VIRGINIA - VA. CODE 19.2-310.2 (Code of 1950 as amended,
1990); and
- ✓ 22. WASHINGTON - Wash. Rev. Code 43.43.732 et. seq. (1990).

Alaska State Legislature

Legislative Research Agency




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February 26, 1993

MEMORANDUM

TO: Representative Brian Porter

FROM: Gordon S. Harrison, Director 

RE: **The Right of Privacy in State Constitutions**

You about state constitutional guarantees of the right to privacy. Alaska is among ten states with an explicit constitutional right of privacy. The ten states are Alaska, Arizona, California, Florida, Hawaii, Illinois, Louisiana, Montana, South Carolina and Washington. Several states have a statutory right of privacy. Attached is a summary of state and federal privacy laws (constitutional and statutory) compiled by Robert E. Smith, publisher of the *Privacy Journal*.

Attachment

**COMPILATION OF STATE
AND FEDERAL PRIVACY LAWS**

1992 Edition

By
ROBERT ELLIS SMITH

With James S. Sulanowski

Published by PRIVACY JOURNAL
An Independent Monthly on Privacy in a Computer Age

PRIVACY STATUTES/STATE CONSTITUTIONS (Including the Right to Publicity)

Alaska—"Right of Privacy. The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section." Art. 1, sec. 22, Alaska Constitution, 1972.

Arizona—"Right to Privacy. No person shall be disturbed in his private affairs, or his home invaded, without authority of law." Art. II, sec. 8, Ariz. Constitution, 1912, as amended.

California—"All people are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety, happiness, and privacy." Art. I, sec. 1, Cal. Constitution, Nov. 1972. State courts thus far have interpreted this state right to privacy as identical to the federal right to privacy recognized by U.S. Supreme Court decisions.

Any person who knowingly uses another's name, voice, or likeness in a commercial way, without consent, is liable for damages. Heirs and descendants have property rights in certain commercial uses of a deceased celebrity's name, voice, signature, or likeness for 50 years after death. Cal. Civil Code sec. 990 and 3344.

Delaware—Violation of privacy is a class A misdemeanor. Del. Code. tit. 11, sec. 1335.

Florida—"Searches and Seizures. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. Articles or information obtained in violation of this right shall not be admissible in evidence." Art. I, sec. 12, Fla. Constitution, 1968.

"Every natural person has a right to be let alone and free from governmental intrusion into his private life except as otherwise provided for herein. This section shall not be construed to limit the public's right of access to public records and

meetings as provided by law." Art. I, sec. 23, approved in 1980 election.

A person has a right of action in court for the unauthorized use of his or her name or picture for commercial advantage. Fla. Stat. Ann. sec. 540.08

No person shall have more than one choice of venue for damages for invasion of privacy. Sec. 770.05. Adverse judgment in any jurisdiction bars any other action founded on same publication. Sec. 770.06. Cause of action for damages shall be deemed to have accrued at the time of the first publication. Sec. 770.07.

Georgia—Illegal to invade privacy and illegal to be a "peeping Tom." Ga. Code Ann. sec. 26-3002.

Hawaii—Art. 1, sec. 6 of the constitution provides for a right to privacy. Sec. 7 protects against unreasonable searches and seizures.

Illinois—"Searches, seizures, privacy and interceptions" provision is similar to Florida's. Art. I, sec. 6, Ill. Constitution, 1970. "Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly." Art. I, sec. 6 and 12.

Actions for publication of matter that violates the right to privacy must be commenced within one year. Ill. Ann. Stat. ch. 83, para. 14.

Kentucky—"The traditional right of privacy terminates at death but the right of publicity, which is the right of protection from appropriation of some element of an individual's personality from commercial exploitation, does not terminate [until 50 years after] death." Ky. Rev. Stat. sec. 391.170.

Louisiana—"Right to Privacy. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches and seizures, or invasions or privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purposes or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in

the appropriate court." Art. I, sec. 5, La. Constitution, 1975.

Illegal to be a "Peeping Tom," defined as "one who peeps through windows or doors, or other like places, situated in or about the premises of another for the purpose of spying upon or invading the privacy of persons spied upon." La. Rev. Stat. sec. 14:284.

Maine--"1. A person is guilty of violation of privacy if, except in execution of a public duty or as authorized by law, he intentionally:

"A. Commits a civil trespass on a property with intent to overhear or observe any person in a private place; or

"B. Installs or uses in a private place without consent of a person entitled to privacy therein, any device for observing, photographing, recording or broadcasting sounds or events in that place; or

"C. Installs outside a private place without consent, any device for hearing sounds that not ordinarily be audible.

"2. 'Private place' means a place where one may reasonably expect to be safe from surveillance but does not include a place to which the public or a substantial group has access." Me. Rev. Stat. Ann. tit. 17-A, sec. 511.

Massachusetts--"A person shall have a right against unreasonable, substantial or serious interference with his privacy." Courts may award damages for violations. Mass. Gen. Laws Ann. ch. 214, sec. 1B. State law explicitly recognizes the "misappropriation" right of action. Ch. 214, sec. 3A.

Montana--"Right of Privacy. The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest." Art. II, sec. 10, Mont. Constitution, 1972.

Nebraska--Since 1979, the state has recognized the traditional rights of action for invasion of privacy: intrusion, portrayal in a false light, and misappropriation of a person's image or name. One-year statute of limitations. Neb. Rev. Stat. sec. 20-201-211.

New York--First paragraph of the state's constitutional provision on privacy is identical to the Fourth Amendment of the U.S. Constitution. The second paragraph is as follows: "The right of the people to be secure against unreasonable interception of telephone and telegraph

communications shall not be violated, and ex parte orders or warrants shall issue only upon oath or affirmation of that there is reasonable ground to believe that evidence of a crime may thus be obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the purpose thereof." Art. I, sec. 12, N.Y. Constitution, 1938.

State law recognizes the "misappropriation" tort (or "right of publicity"). N.Y. Civil Rights Law, sec. 50 (McKinney).

Oklahoma--State law recognizes the "misappropriation" right of action. Okla. Stat. Ann. tit. 21, sec. 839.1.

The right of publicity is extended to 100 years beyond the death of the individual. Tit. 12, sec. 1448-9.

Pennsylvania--Among the "inherent rights of mankind" is "acquiring, possessing and protecting property and reputation." Pa. Constitution Art. 1, sec. 1.

Rhode Island--"It is the policy of this state that every person in this state shall have a right to privacy," which includes freedom from intrusions, from appropriation of one's name or likeness, from "unreasonable publicity given to one's private life," and from "publicity that reasonably places another in a false light before the public." R.I. Gen. Laws sec. 9-1-28.1, enacted in 1980.

South Carolina--Art. 1, sec. 10, S.C. Constitution, 1970, prohibits unreasonable searches and "unreasonable invasions of privacy."

Tennessee--The right of publicity extends 10 years after the death of an individual "whether or not such rights were commercially exploited by the individual during the individual's lifetime." Tenn. Code Ann. sec. 47-25-1101 to 1108.

Texas--The right of publicity for celebrities extends beyond death. Tex. Stat. tit. IV, ch. 26, sec. 26.001.

Utah--"Offenses against privacy" law resemble Maine's. Utah Codes Ann. sec. 76-9-401. Utah recognizes the "misappropriation" tort. Sec. 76-4-8.

Virginia--By statute, the "right of publicity" is recognized. Va. Code sec. 8.01-40.

Washington—Provisions identical to Arizona's Art. I, sec. 7, Wash. Constitution, 1889, as amended.

Wisconsin—The state recognizes the right to sue for an invasion of privacy, except for a disclosure that holds you in a "false light." Wis. Stat. Ann. sec. 893.19(10) and 895.50.

Federal law—The Lanham Act on trademark registration states, "No trademark by which the goods of the application may be distinguished from the goods of others shall be refused registration on account of its nature unless it (a) consists of or comprises immoral, deceptive or scandalous matter, or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute...(c) consists of or comprises a name, portrait or signature identifying a particular living individual except by his written consent." 15 U.S.C. 1052(a). Forty-six states have similar language in their trademark laws. These provisions affect registration, but not misuse alone, of another person's name.

Note: Most states recognize the concept of a right to privacy in their common law, with the apparent exception of Minnesota, Nevada, North Dakota, and Wyoming. Only Minnesota rejects the right of privacy, either in its statutes or case law.

STATUTES AND LEGISLATION REGARDING MANDATORY SUBMISSION TO BLOOD TESTING/DATABANKING

1. ARIZONA - ARIZ. REV. STAT. ANN. 31-281 (1990);
2. CALIFORNIA - CAL. PENAL CODE 290.2 (1990);
3. COLORADO - COLO. REV. STAT. 17-2-201 (1990);
4. FLORIDA - FLA. STAT. ANN. 943.325 (1990);
5. GEORGIA - CODE of GEORGIA 24-4-60 (1992);
6. HAWAII - HAWAII REV. STAT. ANN. 706-603 (1992);
7. ILLINOIS - ILL. REV. STAT. Ch. 38-5-4-3 (1990);
8. INDIANA - IND. CODE 20-12-34.5 et. seq. (1990);
9. IOWA - IOWA CODE ANN. 13.10 (1990);
10. KANSAS - 1991 KANSAS LAWS Ch. 92 (S.B. No. 329);
11. KENTUCKY - 1992 KENTUCKY LAWS Ch. 175 (HB 631);
12. LOUISIANA - LOUISIANA REV. STAT. 15:535 (1991);
13. MICHIGAN - MICH. COMP. LAWS. ANN. 750.520m (1990) (effective 10/1/91);
14. MINNESOTA - Minn. STAT. ANN. 609.3461 (1990);
15. MINNESOTA - MINN. STAT. ANN. 299C.155 (1990);
16. MISSOURI - MISSOURI STAT. ANN. 650.050 (1991);
17. NEVADA - NEV. REV. STAT. 176.111 (1990);
18. OREGON - OREGON REV. STAT. 181.085 (1991);
19. SOUTH DAKOTA - S.D. CODIFIED LAWS. ANN. 23-5-14 et. seq. (1990);
20. TENNESSEE - TENN. CODE ANN. 38-6-113 (1991);
21. VIRGINIA - VA. CODE 19.2-310.2 (Code of 1950 as amended, 1990); and
22. WASHINGTON - Wash. Rev. Code 43.43.752 et. seq. (1990),

OFFENSES WHICH REQUIRE MANDATORY SUBMISSION OF BLOOD SAMPLES

ARIZONA - Any person convicted of a specified sexual offense (e.g., sexual abuse [felony]; sexual conduct with a minor [felony]; sexual assault [felony]; molestation of a child [felony]; crime against nature [misdemeanor]; lewd and lascivious acts [misdemeanor]; incest [felony]).

CALIFORNIA - Prior to discharge, parole, probation or release:

1. Any person who is required to register under Section 290 as a result of committing or attempting to commit a felony offense as specified in Section 290 (e.g., rape; rape or penetration with a foreign object; incest; sodomy; lewd or lascivious acts with a child under 14 years of age; oral copulation).

2. Any person who is convicted of felony murder.

3. Any person is convicted of specified felony assault and battery offense (e.g., assault on public figures; sexual battery; battery; battery against transportation personnel or passenger; battery against jurors; assault with caustic chemicals; assault with deadly weapon or force likely to produce great bodily injury).

4. Any person who was committed as a mentally disordered sex offender.

COLORADO - As a condition of parole, any offender convicted of an offense for which the factual basis involved a specific criminal sexual assault as a condition of parole (e.g., patterns of sexual abuse; sexual contact; sexual intrusion; sexual penetration).

FLORIDA - Any person convicted in this state on or after January 1, 1990, of any offense or attempted offense defined in chapter 794, relating to sexual batter, or of any offense or attempted offense under chapter 800, relating to lewd and lascivious conduct.

GEORGIA - Any person convicted of a criminal offense defined in specified sections (e.g., rape; sodomy; statutory rape; enticing a child for indecent purposes, incest; bestiality; necrophilia; sexual assault against persons in custody, detained in a hospital or other institutions) shall have a sample of his or her blood taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person.

HAWAII - After entry of a plea of guilty or no contest or return of a verdict of guilty, the court shall order a defendant who has been convicted of an offense, including attempts, under specified sections (e.g., first and second degree murder; promoting child abuse in the first degree; incest; sexual assault), to provide a sample of saliva and two samples of blood for the purpose of secretor status, blood type, and DNA analysis.

ILLINOIS - 1. Any person who is convicted of, or received a court supervision for, a specified sexual offense on or after the date of the act (July 1, 1990) (e.g., sexual relations within families; sexual abuse; criminal sexual assault; aggravated sexual abuse).

2. Any person who is ordered institutionalized as a sexually dangerous person.

3. Any person who was convicted of a sexual offense before the effective date of this act and is presently incarcerated in any State correctional facility, county jail, or is presently on probation or conditional discharge for a specified sexual offense (as noted above).

4. is presently institutionalized as a sexually dangerous person or is presently institutionalized as a person found guilty of committing or attempting to commit a sexual offense but was determined to be mentally ill.

IOWA - The Attorney General to adopt rules in consultation with the Division of Criminal Investigation, Department of Public Safety, for the purpose of classifying felonies and indictable misdemeanors which shall require offenders to submit a physical sample for the purpose of DNA profiling.

KANSAS - 1. Any felon convicted of a specified unlawful sexual act or an attempt of such an unlawful sexual act on or after the effective date of this act (April 23, 1991) (e.g., sexual intercourse; sodomy; unlawful sexual act).

2. Any felon convicted of a specified violation on or after the effective date of this act (April 23, 1991) (e.g., 1st degree murder; voluntary manslaughter; child abuse).

3. Any person ordered institutionalized as a result of being convicted of a specified unlawful sexual act or violation (as noted above) on or after the effective date of this act (April 23, 1991).

4. Any felon convicted of a specified violation before the effective date of this act (April 23, 1991) and is presently incarcerated in any state correctional facility or county jail, or is presently serving an authorized disposition.

KENTUCKY - 1. Any person who is convicted of a specified felony sexual offense on or after the date of this act (April 1, 1992) (e.g., rape; sodomy; sexual abuse; incest; indecent exposure).

2. Any person who is in the custody of the Corrections Cabinet as a result of the commission of a specified felony sexual offense (as noted above) on or after the date of this act (April 1, 1992).

LOUISIANA - Any person who is a sexual offender.

MICHIGAN - Any person convicted of a specified violation or an attempted specified violation (e.g., first degree criminal sexual conduct; second degree criminal sexual conduct; second or subsequent offenses of criminal sexual conduct; assault with a threat to commit criminal sexual conduct) unless the investigating law enforcement agency or the state police already possess a sample submitted by that person.

MINNESOTA - 1. Any person upon sentencing, who is convicted of violating or attempt to violate criminal sexual conduct in the first, second, third, or fourth degree.

2. Any person who the court sentences as a patterned sex offender which is defined as one whose criminal sexual behavior is so ingrained that the risk of reoffending is great without psychotherapeutic intervention or other long-term controls.

3. Any person who the juvenile court adjudicates for violating or attempting to violate criminal sexual conduct in the first, second, third, or fourth degree.

4. Any person who is convicted of violating or attempt to violate criminal sexual conduct in the first, second, third, or fourth degree or who the court sentences as a patterned sex offender and has not previously provided a sample must do so before release from the custody of the commissioner of corrections.

MISSOURI - 1. Any person convicted of a felony violent offense before release from, or transfer to, a state correctional facility (e.g., murder; voluntary manslaughter; involuntary manslaughter).

2. Any person convicted of a felony sex offense before release from, or transfer to, a state correctional facility (e.g., rape; sexual abuse; sodomy).

NEVADA - Any person convicted of a sexual offense (e.g., sexual assault defined as sexual penetration against a person's will or when a victim is incapable of resisting; statutory sexual assault; promotion of a sexual performance with a minor; incest; lewdness with a child).

OREGON - 1. Any person convicted of a specified sexual offense (e.g., rape; sodomy; unlawful sexual penetration; sexual abuse; public indecency; incest; using a child in a display of sexually explicit conduct).

2. Any person convicted of burglary, as defined, with intent to commit a sexual offense (as noted above).

3. Any person who is convicted of promoting or compelling prostitution, as defined.

4. Any person convicted of conspiracy or attempt to commit a felony offense as noted in 1-3 above.

SOUTH DAKOTA - 1. Any person convicted under specified provisions (e.g., rape; sexual contact with a child; incest; sexual exploitation of children; possession of child pornography) prior to July 1, 1990, and confined as a result of such a conviction on July 1, 1990, in a facility as outlined by statute, released on parole from confinement or subject to probation for such conviction.

TENNESSEE - Any person in cases of alleged or suspected violation of specific offenses (e.g., incest; rape; sexual penetration; aggravated sexual battery).

VIRGINIA - 1. Any person who is convicted of a felony on or after July 1, 1990.

2. Any person who is convicted of a specific felony offense (e.g., rape; criminal sexual assault; attempt to commit rape) and who was incarcerated on July 1, 1989.

WASHINGTON - After July 1, 1990, any person who is convicted of a felony defined as a sex offense (e.g., rape; rape of a child; child molestation; indecent liberties; sexual misconduct with a minor) or a violent offense (e.g., first and second degree manslaughter; second degree kidnapping; indecent liberties if committed by forcible compulsion; second degree arson; second degree assault; second degree robbery; vehicular manslaughter while under the influence of drugs or alcohol) as specified by statute, or any criminal attempt, solicitation, or conspiracy to commit such offenses.

8-LS0395K
Luckhaupt
2/10/93

CS FOR HOUSE BILL NO. 69()

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

**Sponsor(s): REPRESENTATIVES BARNES, Ulmer, Phillips, Nordlund, Porter, Olberg, James,
B.Davis, Green, Sanders, Toohey**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to registration of and information about sex offenders and
2 amending Alaska Rules of Criminal Procedure 11(c) and 32(b)."

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

4 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

- 5 (1) sex offenders pose a high risk of reoffending after release from custody;
- 6 (2) protecting the public from sex offenders is a primary governmental interest;
- 7 (3) the privacy interests of persons convicted of sex offenses are less important
- 8 than the government's interest in public safety; and
- 9 (4) release of certain information about sex offenders to public agencies and
- 10 the general public will assist in protecting the public safety.

11 * Sec. 2. AS 11.56 is amended by adding a new section to article 5 to read:

- 12 Sec. 11.56.840. FAILURE TO REGISTER AS A SEX OFFENDER. (a) A
- 13 person who knowingly fails to register as required in AS 12.63.010 is guilty of a
- 14 (1) class A misdemeanor if the duty to register is a result of a

1 offender's fingerprints; and

2 (3) allow the Alaska state troopers to take the sex offender's
3 photograph.

4 (c) If a sex offender who is required to register under (a) of this section is
5 unable to register at an Alaska state trooper post, the sex offender may register in
6 person with the municipal police department nearest to where the sex offender resides
7 at the time of registration. The sex offender shall fulfill the requirements of (b) of this
8 section as if the sex offender were registering with an Alaska state trooper post. The
9 department shall provide forms and directions to municipal police departments to fulfill
10 this requirement.

11 (d) If a sex offender changes residence within the state after having registered
12 under (a) of this section, the sex offender shall provide written notice of the change
13 to the Alaska state trooper post located nearest to the new residence within 10 days of
14 the change.

15 (e) A sex offender required to register under (a) of this section shall annually,
16 during the term of a duty to register under AS 12.63.020, on a date set by the
17 department at the time of the sex offender's initial registration, provide written notice
18 to the department of any changes to the information initially provided under (b)(i) of
19 this section, or if there are no changes, a statement to that effect.

20 Sec. 12.63.020. TERMINATION OF SEX OFFENDER DUTY TO
21 REGISTER. (a) The duty of a sex offender to register under AS 12.63.010 ends

22 (1) 10 years following the sex offender's unconditional discharge from
23 a conviction for an unclassified, class A, or class B felony sex offense;

24 (2) five years following the sex offender's unconditional discharge from
25 a conviction for a class C felony, a class A misdemeanor, or a class B misdemeanor
26 sex offense.

27 (b) The termination date of the duty to register, as provided in (a) of this
28 section, is based on the most serious class of sex offense for which the sex offender
29 was convicted.

30 Sec. 12.63.100. DEFINITIONS. In this chapter,

31 (1) "department" means the Department of Public Safety;

1 (2) "sex offender" means a person convicted of a sex offense in this
2 state or another jurisdiction regardless of whether the conviction occurred before, after,
3 or on the effective date of this section;

4 (3) "sex offense" means a crime, or an attempt to commit a crime,
5 under AS 11.41.410 - 11.41.455 or a similar law in another jurisdiction;

6 (4) "unconditional discharge" has the meaning given in AS 12.55.185.

7 * Sec. 5. AS 18.65 is amended by adding a new section to read:

8 Sec. 18.65.087. CENTRAL REGISTRY OF SEX OFFENDERS. (a) The
9 Department of Public Safety shall maintain a central registry of sex offenders required
10 to register under AS 12.63.010 and shall adopt regulations necessary to carry out the
11 purposes of this section and AS 12.63. A post of the Alaska state troopers or a
12 municipal police department that receives information and fingerprints under
13 AS 12.63.010 shall forward the information and fingerprints within five working days
14 of receipt to the central registry of sex offenders.

15 (b) Information about a sex offender that is contained in the central registry,
16 including sets of fingerprints, is confidential and not subject to public disclosure except
17 as to the sex offender's name, address, place of employment, date of birth, crime for
18 which convicted, date of conviction, place and court of conviction, and length of
19 sentence.

20 (c) The Department of Public Safety

21 (1) shall adopt regulations to allow a sex offender to review sex
22 offender registration information that refers to that sex offender, and if the sex offender
23 believes the information is inaccurate or incomplete, to request the department to
24 correct the information, except that if a sex offender challenges information related to
25 a conviction or records of convictions the sex offender shall seek correction of the
26 information under AS 12.62.030;

27 (2) may adopt regulations to establish fees to be charged for registration
28 under AS 12.63.010 and for information requests.

29 * Sec. 6. AS 28.05 is amended by adding a new section to read:

30 Sec. 28.05.048. SEX OFFENDER REGISTRATION. The department shall
31 display notice of the registration requirements of AS 12.63.010 at a place where the

1 public may apply for a driver's license, identification card, or vehicle registration.

2 * Sec. 7. AS 33.30 is amended by adding a new section to read:

3 Sec. 33.30.012. NOTICE OF RELEASE, PAROLE, COMMUNITY
4 PLACEMENT, WORK RELEASE PLACEMENT, FURLOUGH, OR ESCAPE OF
5 SEX OFFENDER. (a) At the earliest possible date, and in no event later than 10
6 days before release, the commissioner shall send written notice of release, parole,
7 community placement, work release placement, or furlough of a specific inmate
8 convicted of a sex offense to:

9 (1) the chief of police of the community, if any, in which the inmate
10 will reside; and

11 (2) the Alaska state trooper post located nearest to where the inmate
12 will reside.

13 (b) If an inmate convicted of a sex offense escapes from a correctional facility,
14 the commissioner shall immediately notify the chief of police of the community and
15 Alaska state trooper post located closest to where the inmate resided immediately
16 before the inmate's arrest and conviction.

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

18 Sec. 33.30.035. NOTICE TO SEX OFFENDERS OF REGISTRATION
19 REQUIREMENT. The department shall provide written notice to a sex offender of
20 the registration requirements of AS 12.63.010, and shall obtain a signed
21 acknowledgement of receipt of notice from the sex offender

22 (1) at the time of the sex offender's release from a state correctional
23 facility;

24 (2) immediately after taking supervision of a sex offender under the
25 Interstate Corrections Compact or AS 33.36.110.

26 * Sec. 9. AS 33.30.901 is amended by adding a new paragraph to read:

27 (14) "sex offender" has the meaning given in AS 12.63.100.

28 * Sec. 10. Alaska Rule of Criminal Procedure 11(c) is amended to read:

29 (c) PLEAS OF GUILTY OR NOLO CONTENDERE. The court shall not
30 accept a plea of guilty or nolo contendere from a defendant without first addressing
31 the defendant personally and

- 1 (1) determining that the defendant [HE] understands the nature of the
2 charge; and
- 3 (2) informing the defendant [HIM] that by the [HIS] plea of guilty or
4 nolo contendere the defendant [HE] waives the [HIS] right to trial by jury or trial by
5 a judge and the right to be confronted with the witnesses against the defendant
6 [HIM]; [AND]
- 7 (3) informing the defendant [HIM]:
- 8 (i) of the mandatory minimum punishment, if any, and
9 the maximum possible punishment provided by the statute defining the
10 offense to which the plea is offered, and
- 11 (ii) that the defendant has the right to plead not guilty
12 or to persist in that plea if it has already been made, or to plead guilty;
13 and
- 14 (4) if the defendant is charged with a sex offense as defined in
15 AS 12.63.100, informing the defendant in writing of the registration requirement
16 under AS 12.63.010.

17 * Sec. 11. The provisions of AS 12.55.148, added by sec. 3 of this Act, have the effect of
18 changing Alaska Rule of Criminal Procedure 32(b) by adding a requirement that a judgment
19 containing notification of the duty to register under AS 12.63.010 be provided to a defendant
20 convicted of a sex offense.

21 * Sec. 12. APPLICABILITY. A sex offender whose most recent conviction for a sex
22 offense occurred before the effective date of this Act and whose duty to register has not
23 terminated under AS 12.63.020, added by sec. 4 of this Act, before January 1, 1994, shall
24 register under AS 12.63.010, added by sec. 4 of this Act, before January 1, 1994. In this
25 section, "sex offender" and "sex offense" have the meanings given by AS 12.63.100, added
26 by sec. 4 of this Act.

27 * Sec. 13. AS 12.55.148, added by sec. 3 of this Act, takes effect only if sec. 11 of this
28 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
29 Constitution of the State of Alaska.

2/9/93

Suggested amendment for CSHB 69(STA):

page 2, line 26 amended to read:

(c) If a sex offender that is required to register under (a) of this section (resides more than 50 miles from) is unable to register at an Alaska state trooper post, the sex offender may register in person with (a) the municipal police department located nearest to where the sex offender resides at the time of registration.

page 3, line 30 is amended to read:

Sec. 18.65.087. CENTRAL REGISTRY OF SEX OFFENDERS. (a) The (Alaska state troopers) Department of Public Safety shall maintain a central registry of sex offenders required to register under AS 12.63.010 and shall adopt regulations necessary to carry out the..."

Bill No. HB 69

Date: February 9, 1993

Contact: Joanne F. Lopez
Executive Dir.
465-4356

Title: "An act relating to registration of and information about sex offenders and amending Alaska Rules of Criminal Procedure 11 (c) and 32 (b)."

The Council on Domestic Violence and Sexual Assault supports HB 69 and believes that the registration of sex offenders is a measure that will deter, if not prevent, future abuses of women and children. HB 69 would provide the victims of sex crimes a greater degree of information as to the status and whereabouts of offenders, thereby giving a greater measure of protection.

Many sex offenders are released from prison without completing sex offender treatment, and the likelihood of recidivism is high. When a discharged sex offender repeats the crime, the cost to society to investigate, prosecute, and incarcerate the offender, as well as to assess and treat the victim is high. Even a minimal reduction in the number of assaults against women and children will save both human suffering and costs to society.

Willie Kinnebrew by JTA
Willie Kinnebrew, Acting Chair
Council on Domestic Violence and
Sexual Assault

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 69

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to registration of sex offenders." BRU: Alaska State Troopers
 Sponsor: Representative Barnes Component: Criminal Investigation Bureau
 Requestor: Representative Barnes COMPONENT SERIAL NO. 830

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	38.5	38.5	38.5	38.5	38.5	38.5
TRAVEL						
CONTRACTUAL	36.1	2.1	2.1	2.1	2.1	2.1
SUPPLIES	2.6	2.6	2.6	2.6	2.6	2.6
EQUIPMENT	11.8					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	89.0	43.2	43.2	43.2	43.2	43.2

CAPITAL						
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REVENUE FUND SOURCE:						
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FINDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	58.0	32.2	32.2	32.2	32.2	32.2
1005 GF/Program Receipts	31.0	11.0	11.0	11.0	11.0	11.0
1006 GF/MHTIA						
Other						
TOTAL	89.0	43.2	43.2	43.2	43.2	43.2

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 1/28/93
 Approved by Commissioner: *Richard L. Burton* Date: 2/1/93
 Agency: Richard L. Burton, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

HB 69 establishes a sex offender registry within the Department of Public Safety. The bill requires State Troopers to take the photographs and fingerprints of sexual offenders and to maintain a central repository of sex offender information.

The Criminal Investigation Bureau (CIB), Sex Crimes Unit, estimates that there are approximately 300 persons convicted of sex crimes annually. This is supported by data provided by the Department of Corrections, indicating that over the past eight years the average of new inmates sentenced for sex crimes is 231 per year. The majority of these offenders are sentenced to serve at least some time in prison, and would be subject to registration upon release from a correctional facility. The Department of Corrections estimates that approximately 50 sex offenders per year are released from custody, with another approximately 30 sex offenders a year transferring to Alaska under the Interstate Compact. Adding to those convicted offenders who are not incarcerated, the Department estimates that between 150 - 200 offenders a year will have to register.

Although the bill does not specifically state, the Department is assuming that the bill will be applied retroactively to all convicted sex offenders who meet the terms of the bill and who are present in Alaska at the time the bill becomes law. It is difficult to estimate the number of such offenders, but estimates from the Department of Corrections and the Department of Law indicate that around 1,000 offenders would have to register immediately after the bill becomes law.

Because failure to register is a crime, it is essential that there be some notice to the public of the registration requirements if this bill is adopted. First year costs include \$10,000 in contractual costs to pay for posters required under Section 6 of the bill and for a handful of notices to be placed in newspapers around the state.

With some programming additions and data storage expansion, the DPS Information Systems section anticipates that the Alaska Public Safety Information Network (APSIN) can be adapted to meet the "Central Repository" requirements of this legislation. This will involve creating a new subsystem in APSIN which can take advantage of information already available on convicted offenders. The collection of fingerprints will become part of the Alaska Automated Fingerprint Identification System (AAFIS) and APSIN. Information on these sex offenders will then be available to Criminal Justice Terminals throughout the state who are authorized to receive such information. Special applications will be developed to supply the public information authorized, yet retain confidential data. The cost of designing, coding, testing, installing, and documenting this application will cost \$4,000. Permanent disk usage will cost \$1,000 for the first year and every year thereafter. This will handle an initial database of approximately 1000 offenders, and is capable of expanding yearly by an additional 300 offenders.

To deal with the additional tasks necessary to implement this legislation, including data entry for new felons added to the system (which will involve updating APSIN with release, probation and escape information), entry and dissemination of information, and the processing of the fingerprint cards generated through the registration requirement, a Clerk IV position is needed in the Sex Crimes Unit of the Criminal Investigation Bureau.

This position will provide a point of contact for all information regarding the registration of convicted sex offenders for all state and local law enforcement agencies. This will involve interaction with the Department of Corrections, Alaska Court System, and local law enforcement agencies. This position will also respond to all requests for information from the public.

HB 69 calls for all AST posts to be available to take sex offenders' fingerprints and photographs. Since not all AST posts are currently equipped with adequate cameras, this requirement will necessitate some purchases of new cameras (\$2,500) to assure sufficient photograph quality. Ongoing costs for fingerprint cards are included with the supplies requirements for the Clerk IV.

A significant number of offenders live in bush areas. It is highly unlikely that they would voluntarily travel to locations outside their villages to register. This fiscal note does anticipate actively pursuing registration of these individuals due to the high cost.

The following is a summary of the costs that are anticipated to be incurred during the first year of operations under this legislation:

	Equipment & Public Notice	Computer Programming	Clerk IV	TOTAL
Personal Services	\$ 0.0	\$ 0.0	\$ 38.5	\$ 38.5
Contractual	10.0	24.0	2.1	36.1
Supplies	0.0	0.0	2.6	2.6
Equipment	<u>11.8</u>	<u>0.0</u>	<u>0.0</u>	<u>11.8</u>
TOTAL	\$ 21.8	\$24.0	\$ 43.2	\$ 89.0

Costs not included after the first year in operation are the equipment costs (\$11.8), costs of public notice (\$10.0), and the initial programming effort and storage space expansion (\$24.0).

PERSONAL SERVICES:

Salary - Clerk IV - Range 9, Step A, including 120 hours of overtime	25,810	
Benefits	<u>12,666</u>	
Total Personal Services		38,476

CONTRACTUAL:

Printing of posters and public notices	10,000	
Telephone and postage: \$50 per month	600	
Repair and maintenance on microcomputer	500	
Contracted programming and data storage space	<u>25,000</u>	
Total Contractual		36,100

SUPPLIES & MATERIALS:

Film	500	
Registration forms	1,000	
Stationery, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT:

Desk	500	
Chair	225	
Computer table	600	
Cameras 35 mm (x 10)	2,500	
Microcomputer with printer	<u>8,000</u>	
Total Equipment		<u>11,825</u>

TOTAL COST 89,001

This bill authorizes the Department of Public Safety to adopt fees to implement this program. It is very difficult to estimate the revenue that would be generated by these fees. If offenders were to be charged \$20.00 each for initial registration, and persons seeking information from the central registry are charged a fee of \$5.00, the revenue that would be raised is estimated as follows:

FY93	1,250	offenders		1,200	inquiries
	X <u>20</u>	fee	X	<u>5</u>	
	25,000			6,000	
FY94	250	offenders		1,200	inquiries
	X <u>20</u>	fee	X	<u>5</u>	
	5,000			6,000	

Position Title Clerk IV		Number of Positions 1	Range/Step 9/A	Bargaining Unit ASEA
Time Status PFT	Staff Months 12	Location Anchorage (statewide)	Election District 99	
Type of Expenditure		Justification		
1	2	3	<p>This position will be responsible for updating APSIN (Alaska Public Safety Information Network) with release, probation, and escape information; entry and dissemination of the information and the processing of the fingerprint cards generated through the registration requirement. Tasks associated with the fingerprint card processing are monitoring receipt of the anticipated cards, reviewing the cards for accuracy and completeness, preparing the cards for AAFIS (Alaska Automated Fingerprint Identification System) processing and maintaining the fingerprint file.</p> <p>The position will act as the point of contact for all information regarding the registration of convicted sex offenders for all the state and local law enforcement agencies. This individual will file all information and photographs after receiving them from the trooper posts. Additionally, this will involve interaction with the Department of Corrections, the Department of Health and Social Services, and the Alaska Court System.</p>	
Salary*	25.8			
Benefits*	12.7			
Premium Pay (Included in Above)				
Other				
Total Personal Services		38.5		
Travel				
Contractual		2.1		
Commodities		2.6		
Equipment				
Other				
Total Cost		43.2		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	43.2		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1001			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Alaska State Troopers

COMPONENT Criminal Investigation Bureau

FY 94

Page 5 of 5

Revised Date

(1792) POSITION.NEW

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: CSHB 69(STA)

Revision Date: 2/10/93 Dept. Affected: Public Safety
 Title: "An Act relating to registration of sex offenders." BRU: Alaska State Troopers
 Sponsor: Representative Barnes Component: Criminal Investigation Bureau
 Requestor: Representative Parnes COMPONENT SERIAL NO. 830

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	38.5	38.5	38.5	38.5	38.5	38.5
TRAVEL						
CONTRACTUAL	36.1	2.1	2.1	2.1	2.1	2.1
SUPPLIES	2.6	2.6	2.6	2.6	2.6	2.6
EQUIPMENT	9.3					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	86.5	43.2	43.2	43.2	43.2	43.2
CAPITAL						

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	55.5	32.2	32.2	32.2	32.2	32.2
1005 GF/Program Receipts	31.0	11.0	11.0	11.0	11.0	11.0
1006 GF/MHTIA						
Other						
TOTAL	86.5	43.2	43.2	43.2	43.2	43.2

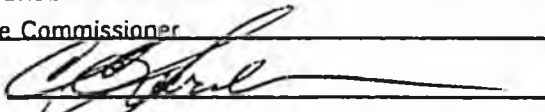
POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: C.E. Swackhammer Phone: 465-4322
 Division: Office of the Commissioner Date: 2/10/93
 Approved by Commissioner:  Date: 2/10/93
 Agency: Richard L. Burton, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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CSHB 69(STA) establishes a sex offender registry within the Department of Public Safety. The bill requires State Troopers to take the photographs and fingerprints of sexual offenders and to maintain a central repository of sex offender information.

The Criminal Investigation Bureau (CIB), Sex Crimes Unit, estimates that there are approximately 300 persons convicted of sex crimes annually. This is supported by data provided by the Department of Corrections, indicating that over the past eight years the average of new inmates sentenced for sex crimes is 231 per year. The majority of these offenders are sentenced to serve at least some time in prison, and would be subject to registration upon release from a correctional facility. The Department of Corrections estimates that approximately 50 sex offenders per year are released from custody, with another approximately 30 sex offenders a year transferring to Alaska under the Interstate Compact. Adding to those convicted offenders who are not incarcerated, the Department estimates that between 150 - 200 offenders a year will have to register.

Although the bill does not specifically state, the Department is assuming that the bill will be applied retroactively to all convicted sex offenders who meet the terms of the bill and who are present in Alaska at the time the bill becomes law. It is difficult to estimate the number of such offenders, but estimates from the Department of Corrections and the Department of Law indicate that around 1,000 offenders would have to register immediately after the bill becomes law.

Because failure to register is a crime, it is essential that there be some notice to the public of the registration requirements if this bill is adopted. First year costs include \$10,000 in contractual costs to pay for posters required under Section 6 of the bill and for a handful of notices to be placed in newspapers around the state.

With some programming additions and data storage expansion, the DPS Information Systems section anticipates that the Alaska Public Safety Information Network (APSIN) can be adapted to meet the "Central Repository" requirements of this legislation. This will involve creating a new subsystem in APSIN which can take advantage of information already available on convicted offenders. The collection of fingerprints will become part of the Alaska Automated Fingerprint Identification System (AAFIS) and APSIN. Information on these sex offenders will then be available to Criminal Justice Terminals throughout the state who are authorized to receive such information. Special applications will be developed to supply the public information authorized, yet retain confidential data. The cost of designing, coding, testing, installing, and documenting this application will cost \$4,000. Permanent disk usage will cost \$1,000 for the first year and every year thereafter. This will handle an initial database of approximately 1000 offenders, and is capable of expanding yearly by an additional 300 offenders.

To deal with the additional tasks necessary to implement this legislation, including data entry for new felons added to the system (which will involve updating APSIN with release, probation and escape information), entry and dissemination of information, and the processing of the fingerprint cards generated through the registration requirement, a Clerk IV position is needed in the Sex Crimes Unit of the Criminal Investigation Bureau.

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CSHB 69(STA) calls for all AST posts to be available to take sex offenders' fingerprints and photographs. Ongoing costs for fingerprint cards are included with the supplies requirements for the Clerk IV.

A significant number of offenders live in bush areas. It is highly unlikely that they would voluntarily travel to locations outside their villages to register. This fiscal note does anticipate actively pursuing registration of these individuals due to the high cost.

The following is a summary of the costs that are anticipated to be incurred during the first year of operations under this legislation:

	Equipment & Public Notice	Computer Programming	Clerk IV	TOTAL
Personal Services	\$ 0.0	\$ 0.0	\$ 38.5	\$ 38.5
Contractual	10.0	24.0	2.1	36.1
Supplies	0.0	0.0	2.6	2.6
Equipment	<u>9.3</u>	<u>0.0</u>	<u>0.0</u>	<u>9.3</u>
TOTAL	\$ 19.3	\$24.0	\$ 43.2	\$ 86.5

Costs not included after the first year in operation are the equipment costs (\$9.3), costs of public notice (\$10.0), and the initial programming effort and storage space expansion (\$24.0).

PERSONAL SERVICES:

Salary - Clerk IV - Range 9, Step A, including 120 hours of overtime	25,810	
Benefits	<u>12,666</u>	
Total Personal Services		38,476

CONTRACTUAL:

Printing of posters and public notices	10,000	
Telephone and postage: \$50 per month	600	
Repair and maintenance on microcomputer	500	
Contracted programming and data storage space	<u>25,000</u>	
Total Contractual		36,100

SUPPLIES & MATERIALS:

Film	500	
Registration forms	1,000	
Stationery, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT:

Desk	500	
Chair	225	
Computer table	600	
Microcomputer with printer	<u>8,000</u>	
Total Equipment		<u>9,325</u>
TOTAL COST		86,501

This bill authorizes the Department of Public Safety to adopt fees to implement this program. It is very difficult to estimate the revenue that would be generated by these fees. If offenders were to be charged \$20.00 each for initial registration, and persons seeking information from the central registry are charged a fee of \$5.00, the revenue that would be raised is estimated as follows:

FY93	1,250	offenders		1,200	inquiries
	X <u>20</u>	fee	X	<u>5</u>	
	25,000			6,000	
FY94	250	offenders		1,200	inquiries
	X <u>20</u>	fee	X	<u>5</u>	
	5,000			6,000	

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 69

Revision Date: 2/8/93 Dept. Affected: Public Safety
 Title: "An Act relating to registration of sex offenders..." BRU: Alaska State Troopers
 Component: Criminal Investigation Bureau
 Sponsor: Representative Barnes
 Requestor: Representative Barnes COMPONENT SERIAL NO. 830

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	38.5	38.5	38.5	38.5	38.5	38.5
TRAVEL						
CONTRACTUAL	36.1	2.1	2.1	2.1	2.1	2.1
SUPPLIES	2.6	2.6	2.6	2.6	2.6	2.6
EQUIPMENT	9.3					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	86.5	43.2	43.2	43.2	43.2	43.2

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	55.5	32.2	32.2	32.2	32.2	32.2
1005 GF/Program Receipts	31.0	11.0	11.0	11.0	11.0	11.0
1006 GF/MHTIA						
Other						
TOTAL	86.5	43.2	43.2	43.2	43.2	43.2

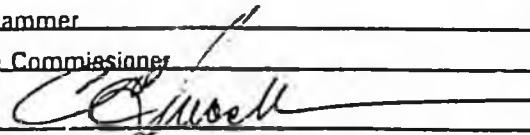
POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: C.E. Swackhammer Phone: 465-4322
 Division: Office of the Commissioner Date: 2/8/93
 Approved by Commissioner:  Date: 2/8/93
 Agency: Richard J. Burton, Dept. of Public Safety

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	Equipment & Public Notice	Computer Programming	Clerk IV	TOTAL
Personal Services	\$ 0.0	\$ 0.0	\$ 38.5	\$ 38.5
Contractual	10.0	24.0	2.1	36.1
Supplies	0.0	0.0	2.6	2.6
Equipment	<u>9.3</u>	<u>0.0</u>	<u>0.0</u>	<u>9.3</u>
TOTAL	\$ 19.3	\$24.0	\$ 43.2	\$ 86.5

Costs not included after the first year in operation are the equipment costs (\$9.3), costs of public notice (\$10.0), and the initial programming effort and storage space expansion (\$24.0).

PERSONAL SERVICES:

Salary - Clerk IV - Range 9, Step A, including 120 hours of overtime	25,810	
Benefits	<u>12,666</u>	
Total Personal Services		38,476

CONTRACTUAL:

Printing of posters and public notices	10,000	
Telephone and postage: \$50 per month	600	
Repair and maintenance on microcomputer	500	
Contracted programming and data storage space	<u>25,000</u>	
Total Contractual		36,100

SUPPLIES & MATERIALS:

Film	500	
Registration forms	1,000	
Stationery, copy machine paper, etc.	<u>1,100</u>	
Total Supplies & Materials		2,600

EQUIPMENT:

Desk	500	
Chair	225	
Computer table	600	
Microcomputer with printer	<u>8,000</u>	
Total Equipment		<u>9,325</u>
TOTAL COST		86,501

This bill authorizes the Department of Public Safety to adopt fees to implement this program. It is very difficult to estimate the revenue that would be generated by these fees. If offenders were to be charged \$20.00 each for initial registration, and persons seeking information from the central registry are charged a fee of \$5.00, the revenue that would be raised is estimated as follows:

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