

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7878

HOUSE JUDICIARY

199

1993 TOTAL VEHICLE AND TRAFFIC OFFENSES

AS 12.55.039(a) (1) includes violations under AS 18, 13 AAC, 17 AAC and comparable municipal ordinances:

53,934 - Uniform Traffic Citations Issued

\*\* 53,934 - Total \$10 Violations = \$539,340 projected Revenue

AS 12.55.039(a) (2) includes the following:

4,618 - DWI/Refusals (Under AS 28.33.030, 28.33.031, AS 28.35.030, 28.35.032)

1,752 - All other at court suspensions, revocations, limitations (Under AS 28.15.291, AS 28.35.040, 28.35.060)

\*\* 6,370 - Total \$25 violations = \$159,250 Projected Revenue

\*\*\* \$ 698,590 Combined Total Projected Revenue

02/14/1994 13:16:33 =====

02/14/94 Position Information Inquiry/Update 13:17:18

Position: 12-12#138	Project: 0	Salary Costs: 48,876.00
Component: 12-62-04-01-01-01		Benefits Costs: 19,653.54
Scenario: 8 FY: 95	COLA %= 0.00	Total Costs: 68,529.54

Actuals not available (Status: UNKNOWN ) Retirement Code: A

00/00/00 0

- ° Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00 )
- ° Merit Date; use merit defaults? N ( 0.0 @ & 0.0 @ )
- ° Class/Sched Prefix: 1 Schedule: 1A (actual: )
- ° Bargaining Unit: GG Range: 18 (actual: )
- ° Location Code: AWA Place: JUNEAU
- ° Job Class Code: P7790 Title: TRNG COORD PS
- ° Seasonal Indic.: F Type: -

Optional Override Salary Rates:  
 Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months  
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Position Premium Pay Inquiry/Update

PROJECT NUMBER: 0	
PCN: 12-12#138	Salary Costs: 48,876.00
Component: 12-62-04-01-01-01	Benefits Costs: 19,653.54
Scenario: 8	Total Costs: 68,529.54

Premium Pay Items/Amounts Budgeted	Item Cost	---- Actual Costs ----	Y.T.D.	Prior Year
Overtime Hours: 200.0	6,516.00	0	0	0
Graveyard Shift Diff. (months): 0.00	0.00	0	0	0
Swing Shift Diff. (months): 0.00	0.00	0	0	0
Hazard Pay (\$): 0.00	0.00	0	0	0
Sea Duty Pay (\$): 0.00	0.00	0	0	0
Standby Pay (\$): 0.00	0.00	0	0	0
Higher Class Work Pay (\$): 0.00	0.00	0	0	0
Area Subsistence Pay (\$): 0.00	0.00	0	0	0
Additional Salary (\$): 0.00	0.00	0	0	0
PLUS 0.00000 PERCENT C.O.L.A.	0.00			
<b>Total Premium Pay Costs:</b>	<b>6,516.00</b>	<b>0</b>	<b>0</b>	<b>0</b>

Press ENTER to update record; enter # or use PF key to go another screen:  
 1=Position Inquiry/Update 2=Funding info 12=Exit w/o update Selection: 0

02/14/1994 13:19:00

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

02/14/94

Position Information Inquiry/Update

13:20:03

Position: 12-12#139                      Project: 0 \_\_\_\_\_                      Salary Costs:                      24,288.00  
 Component: 12-62-04-01-01-01                      Benefits Costs:                      12,365.66  
 Scenario: 8                      FY: 95                      COLA %= 0.00                      Total Costs:                      36,653.66

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 Actuals not available                      (Status: UNKNOWN ) °                      Retirement Code:                      A  
 -----

° Step: B for 12.0 months & Step: C for \_0.0 months (total: 12.00 )  
 00/00/00 ° Merit Date; use merit defaults? N                      ( 0.0 @ & 0.0 @ )  
 0 ° Class/Sched Prefix: 1                      Schedule: 1A (actual: )  
 ° Bargaining Unit: GG                      Range: 09 (actual: )  
 ° Location Code: AWA                      Place: JUNEAU  
 ° Job Class Code: P1192                      Title: DATA PROC CLERK II \_\_\_\_\_  
 ° Seasonal Indic.: F                      Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 \_\_\_\_\_ for \_0.0 months & rate of 0.00 \_\_\_\_\_ for \_0.0 months  
 Hourly Rate: 0.00 \_\_\_\_\_ for \_0.0 months                      Frozen at this rate? (Y/N): N

Position Premium Pay Inquiry/Update

PROJECT NUMBER: 0

PCN: 12-12#139

Component: 12-62-04-01-01-01

Scenario: 8

Salary Costs:                      24,288.00

Benefits Costs:                      12,365.66

Total Costs:                      36,653.66

Premium Pay Items/Amounts Budgeted

	Item Cost	---- Actual Costs ----	
		Y.T.D.	Prior Year
Overtime Hours: _____ 0.0	0.00	0	0
Graveyard Shift Diff. (months): _____ 0.00	0.00	0	0
Swing Shift Diff. (months): _____ 0.00	0.00	0	0
Hazard Pay (\$): _____ 0.00	0.00	0	0
Sea Duty Pay (\$): _____ 0.00	0.00	0	0
Standby Pay (\$): _____ 0.00	0.00	0	0
Higher Class Work Pay (\$): _____ 0.00	0.00		
Area Subsistence Pay (\$): _____ 0.00	0.00	0	0
Additional Salary (\$): _____ 0.00	0.00		
PLUS 0.00000 PERCENT C.O.L.A.	0.00		
<b>Total Premium Pay Costs:</b>	<b>0.00</b>	<b>0</b>	<b>0</b>

Press ENTER to update record; enter # or use PF key to go another screen:  
 1=Position Inquiry/Update                      2=Funding info                      12=Exit w/o update                      Selection: 0\_

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE PHILLIPS

TO: HB 319

Page 2, line 10, following "contendere to":

Insert ", forfeits bail for,"

Page 2, line 13, following "violation of":

Insert "AS 28.15.291, AS 28.33.030, 28.33.031,"

Page 2, line 14, following "28.35.032,":

Insert "28.35.040, 28.35.060,"

Page 2, line 15:

Following "violation of":

Insert "AS 28.15.291, AS 28.33.030, 28.33.031,"

Following "28.35.032,":

Insert "28.35.040, 28.35.060,"

1/7/94

1993 TOTAL VEHICLE AND TRAFFIC OFFENSES

AS 12.55.039(a)(1) includes violations under AS 28, 13 AAC, 17 AAC and comparable municipal ordinances:

54,713 - Uniform Traffic Citations Issued

5,960 - Court Judgements

\*\* 60,673 - Total \$10 Violations = \$606.7 Projected Revenue

AS 12.55.039(a)(2) includes the following:

5,000 - DWI/Refusals (Under AS 28.33.030, 28.33.031,  
AS 28.35.030, 28.35.032)

3,756 - All other at court suspensions, revocations,  
limitations (Under AS 28.15.291, AS 28.35.040,  
28.35.060)

\*\* 8,756 - Total \$25 violations = \$218.9 Projected Revenue

\*\*\* \$825,573 Combined Total Projected Revenue

- DEPT. INFO -

the license. Within the 10-day period the department shall also notify the United States Department of Transportation if the disqualification is for 60 days or more. (§ 19 ch 178 SLA 1978; am § 13 ch 60 SLA 1986; am §§ 7, 8 ch 3 SLA 1992)

**Effect of amendments.** — The 1992 amendment, effective April 1, 1992, inserted "disqualification," in subsection (a) and added subsection (c).

**Sec. 28.15.181. Court suspensions, revocations, and limitations.** (a) Conviction of any of the following offenses is grounds for the immediate revocation of a driver's license, privilege to drive, or privilege to obtain a license:

- (1) manslaughter or negligent homicide resulting from driving a motor vehicle;
- (2) a felony in the commission of which a motor vehicle is used;
- (3) failure to stop and give aid as required by law when a motor vehicle accident results in the death or personal injury of another;
- (4) perjury or making a false affidavit or statement under oath to the department under a law relating to motor vehicles;
- (5) operating a motor vehicle or aircraft while intoxicated;
- (6) reckless driving;
- (7) using a motor vehicle in unlawful flight to avoid arrest by a peace officer;
- (8) refusal to submit to a chemical test under AS 28.33.031 or AS 28.35.032 while under arrest for operating a motor vehicle, commercial motor vehicle, or aircraft while intoxicated;
- (9) driving while license, privilege to drive, or privilege to obtain a license, canceled, suspended, or revoked, or in violation of a limitation.

(b) A court convicting a person of an offense described in (a)(1) — (4), (6), or (7) of this section shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license for not less than 30 days for the first conviction, unless the court determines that the person's ability to earn a livelihood would be severely impaired and a limitation under AS 28.15.201 can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public. If a court limits a person's license under this subsection, it shall do so for not less than 60 days. Upon a subsequent conviction of a person for any offense described in (a)(1) — (4), (6), or (7) of this section occurring within 10 years after a prior conviction, the court shall revoke the person's license, privilege to drive, or privilege to obtain a license and may not grant the person limited license privileges for the following periods:

- (1) not less than one year for the second conviction; and
- (2) not less than three years for a third or subsequent conviction.

(c) A court convicting a person of an offense described in (a)(5) or (8) of this section arising out of the operation of a motor vehicle, commer-

cial motor vehicle, or aircraft shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license. The revocation may be concurrent with or consecutive to an administrative revocation under AS 28.15.165. The court may not, except as provided in AS 28.15.201, grant limited license privileges during the minimum period of revocation. The minimum periods of revocation are:

(1) not less than 90 days if the person has not been previously convicted;

(2) not less than one year if the person has been previously convicted once;

(3) not less than 3 years if the person has been previously convicted twice;

(4) not less than 5 years if the person has been previously convicted more than twice.

(d) A court convicting a person of an offense described in (a)(9) of this section shall revoke that person's driver's license, privilege to drive, or privilege to obtain a license for not less than the minimum period under AS 28.15.291(b)(4).

(e) *[Repealed, § 34 ch 119 SLA 1990.]*

(f) The court may terminate a revocation for an offense described in AS 28.15.181(a)(5) or (8) if

(1) the person's license, privilege to drive, or privilege to obtain a license has been revoked for the minimum periods set out in AS 28.15.181(c); and

(2) the person complies with the provisions of AS 28.15.211(d) and (e).

(g) In this section, "previously convicted" has the meaning given in AS 28.35.030. (§ 19 ch 178 SLA 1978; am §§ 7 — 9 ch 117 SLA 1982; am §§ 4 — 7 ch 77 SLA 1983; am §§ 11 — 15, 34 ch 119 SLA 1990; am §§ 9 — 11 ch 3 SLA 1992; am §§ 2, 3 ch 59 SLA 1993)

**Revisor's note.** — Subsection (f) was enacted as (g); relettered in 1993, at which time former (f) was relettered as (g).

**Effect of amendments.** — The 1990 amendment, effective January 1, 1991, inserted "privilege to drive, or privilege to obtain a license" in several places throughout the section; substituted "operating" for "driving" and inserted "or aircraft" in paragraph (a)(5); added the phrase beginning "while under arrest" at the end of paragraph (a)(8); rewrote subsections (c) and (f); made an internal reference change in subsection (d); repealed subsection (e); and made minor stylistic changes. For provisions prior to January 1, 1991, see the main pamphlet.

The 1992 amendment, effective April 1, 1992, in paragraph (a), inserted "AS

28.33.031 or" and ". commercial motor vehicle," in paragraph (8) and ". privilege to drive, or privilege to obtain a license," in paragraph (9); in subsection (c), inserted ". commercial motor vehicle," in the first sentence; and rewrote subsection (f).

The 1993 amendment, effective July 1, 1993, in subsection (c), substituted "not less than" for "at least" in paragraphs (1) and (2), "not less than 3 years" for "at least five years" in paragraph (3), and "not less than 5 years" for "at least 10 years" in paragraph (4); and added subsection (f).

**Editor's notes.** — Section 30, ch. 3, SLA 1992 provides that for the purposes of the amendment made to (f) of this section by § 11, ch. 3, SLA 1992, convictions for offenses committed before April 1, 1992 are considered previous convictions.

VEHICLE AND TRAFFIC OFFENSES  
NUMERICAL LISTING

Note: Offenses not listed here are mandatory court appearances.

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
AS 05.25.030(a)	Failure to Give Assistance or ID at Watercraft Accident	Mand/Cr	0	ZZZ	AS 05.25.090 misd.
AS 05.25.030(b)	Failure to Report Watercraft Accident	Mand/Cr	0	ZZZ	AS 05.25.090 misd.
AS 05.25.060(a)	Reckless Driving of Watercraft	Mand/Cr	0	ZZZ	AS 05.25.090 misd.
AS 05.25.060(a)	Negligent Driving of Watercraft	Mand/Cr	0	ZZZ	AS 05.25.090 misd.
AS 05.30.010	Operating An Unregistered Snow Vehicle	20	0	ZZZ	AS 05.30.110 misd.**
AS 05.30.040(a)	Failure to Display Snow Vehicle Numbered Registration Decal	20	0	ZZZ	AS 05.30.110 misd.**
AS 05.30.080(a)(1)-(4)	Snow Vehicle Equipment Required	Corr	0	ZZZ	AS 05.30.110 misd.***
AS 05.30.100	Snow Vehicle Operator to Report Accidents	Mand/Cr	0	ZZZ	AS 05.30.110 misd.
AS 11.46.460	Disregard of Highway Obstruction	Mand/Cr	0	ZZZ	AS 11.46.460(b) B misd.
AS 11.46.462	Unlawful Possession of Official Traffic Control Device	Mand/Viol	0	ZZZ	AS 11.46.462(b) viol.
AS 11.46.484(a)(7)	Tampering with Official Traffic Control Device or Damaging Highway Construction Work	Mand/Cr	0	ZZZ	AS 11.46.484(b) A misd.
AS 28.05.071	Failure to Notify Dept. of Change of Name/Address (See AS 28.35.135(b))				
AS 28.05.095(a)	Failure to Wear Safety Belt (age 16 and older: passenger or driver)	15 or donation*****	0	CR2	AS 28.05.099(a) inf.
AS 28.05.095(b)	Failure to Provide Child Safety Device (Note: 1st charge may be dismissed by court upon proof of correction, but 2nd or subsequent charge is not dismissible)	50	2	CR1	AS 28.05.099(b) inf.
AS 28.05.095(b)	Failure to Properly Secure Child in Child Safety Device	50	2	CR1	AS 28.05.099(b) inf.
AS 28.05.095(d)	Illegal Removal of Vehicle Safety Belt	15 or donation*****	0	MS	AS 28.05.099(a) inf.
AS 28.10.081(b)	Failure to Carry Certificate of Registration in Vehicle (Charge under AS 28.10.461)				
AS 28.10.451	Failure to Register Vehicle	50	0	RT1	AS 28.40.050(a-b) misd.**
AS 28.10.461	Plates/Decals/Permits Must Be Properly Attached and Displayed	20	0	RR5	AS 28.40.050(a-b) misd.**
AS 28.10.461	Failure to Carry Certificate of Registration in Vehicle	20	0	RT1	AS 28.40.050(a-b) misd.**

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
AS 28.10.471	Operating Vehicle w/Expired Registration	50	0	RT2	AS 28.40.050(a-b) misd.**
AS 28.10.471	Operating Vehicle w/Suspended/ Revoked Registration	Mand/Cr	0	RT4	AS 28.40.050(a-b) misd.
AS 28.10.481	Improper Use of Evidence of Registration/Title	Mand/Cr	0	RT3	AS 28.40.050(a-b) misd.
AS 28.10.491(a)	Felonies Relating to Title, Registration, ID No., etc.	Mand/Cr	0	RT4	AS 28.10.491(b) felony
AS 28.10.493(a)	Illegal Transfer of Vehicle by Owner	Mand/Cr	0	ZZZ	AS 28.10.493(a) B misd.
10 AS 28.10.493(b)	Illegal Transfer of Vehicle by Dealer	Mand/Cr	0	ZZZ	AS 28.10.493(b) B misd.
AS 28.15.011(b)	Driving With Expired License	30	2	VR	AS 28.40.050(a-b) misd.**
AS 28.15.011(b)	Driving Without a Valid License	Mand/Cr	2	VR5	AS 28.40.050(a-b) misd.
AS 28.15.041(b)	School Bus Driver Permit Required	Mand/Cr	2	VR5	AS 28.40.050(a-b) misd.
AS 28.15.051(a-b)	Driving in Violation of Instruction Permit	Mand/Cr	2	VR4	AS 28.40.050(a-b) misd.
AS 28.15.121(d)	Driving in Violation of Restricted License	Mand/Cr	2	VR4	AS 28.40.050(a-b) misd.
AS 28.15.131	License to be Carried and Exhibited on Demand	Corr	2	RR4	AS 28.15.131 /28.40.050(a-b) misd.
AS 28.15.281(a)	Unlawful Use of Driver's License	Mand/Cr	0	ZZZ	AS 28.40.050(a-b) misd.
AS 28.15.281(b)	Permitting Unauthorized Person to Drive	Mand/Cr	0	VR6	AS 28.40.050(a-b) misd.
AS 28.15.291	Driving While License Suspended/ Revoked or Driving in Violation of Limitation	Mand/Cr	10	VR1	AS 28.15.291/ AS 28.15.181(a)(9) A misd.
AS 28.15.291	Driving While License Suspended	Mand/Cr	10	VR2	AS 28.15.291/ AS 28.15.181(a)(9) A misd.
AS 28.22.250	Falsification of Info. Required under AS 28.22.210-.240	Mand/Cr	0	ZZZ	AS 28.22.250 A misd.
AS 28.35.026	Failure to Return Rental Vehicle	Mand/Cr	0	ZZZ	AS 28.35.026 felony
AS 28.35.029	Open Container of Alcoholic Beverage in Motor Vehicle	50	2	DI4	AS 28.35.029(d) /28.40.050(c) inf.**
AS 28.35.030	Driving While Intoxicated (DWI) (all motor vehicles except those listed below)	Mand/Cr	10	DI1	AS 28.35.030 28.15.181(a)(5) A misd.
	DWI - Snow Machines and Off-Road Vehicles	Mand/Cr	0	DI7	AS 28.35.030 A misd.
	DWI - Watercraft	Mand/Cr	0	DI8	AS 28.35.030 A misd.
	DWI - Aircraft	Mand/Cr	0	DI9	AS 28.35.030 A misd.
AS 28.35.031(e)	Refusal to Submit to a Preliminary Breath Test	50	0	MS	AS 28.35.031(e) /28.40.050(c) inf.**
AS 28.35.032	Refusal to Submit to Chemical Test	Mand/Cr	0	DI3	AS 28.35.032 /28.15.181(a)(8) A misd.

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
AS 28.35.040	Reckless Driving	Mand/Cr	10	RK1	AS 28.35.040 /28.15.181(a)(6) misd.
AS 28.35.045	Negligent Driving	Mand/Inf	6	RK2	AS 28.35.045(c) /28.40.050(c) inf.
AS 28.35.050(a)	Leaving Scene of Injury Accident	Mand/Cr	9	HR1	AS 28.40.050(a-b) misd.
AS 28.35.050(b-c)	Leaving Scene of Property Damage Only Accident	Mand/Cr	9	HR2	AS 28.40.050(a-b) misd.
AS 28.35.060(a)	Operator to Give Information At Accident	Mand/Cr	2	HR	AS 28.35.060(b) misd.
AS 28.35.060(a)	Failure to Assist Injured Person At Accident	Mand/Cr	9	HR1	AS 28.35.060(c) /28.15.181(a)(3) felony
AS 28.35.080(a)	Failure to Give Immediate Notice of Accident	Mand/Cr	2	RR1	AS 28.35.110(b) misd.
AS 28.35.080(b)	Failure to File Written Accident Report Within 10 Days	Mand/Cr	2	RR1	AS 28.35.110(b) misd.
AS 28.35.110(a)	Giving False Information in Accident Report	Mand/Cr	0	ZZZ	AS 28.35.110(a) misd.
AS 28.35.130	False Report or Destruction of Evidence	Mand/Cr	0	ZZZ	AS 28.35.130 felony & misd.
AS 28.35.135(a)	Making False Statement /Affidavit	Mand/Cr	0	ZZZ	AS 11.36.210 A misd.

AS 28.35.135(b)	Failure to Notify Dept. of Change of Name/Address	20	0	ZZZ	AS 28.40.050(a-b) misd.**
AS 28.35.140	Obstructing or Blocking Traffic	20	0	EM6	AS 28.40.050(a-b) misd.**
AS 28.35.145(a)	Failure to Stop For School Bus with Flashing Red Lights	Mand/Cr	6	PA4	AS 28.35.145(d) B misd.
AS 28.35.145(b)	Failure to Yield to Person Crossing Road To/From School Bus	Mand/Cr	6	RW5	AS 28.35.145(d) B misd.
AS 28.35.145(e)	Ownership of a Vehicle Which Illegally Passes a Stopped School Bus	50	0	ZZZ	AS 28.35.145(e) inf.**
AS 28.35.155	Operating Vehicle w/Studded/Chained Tires When Prohibited	Corr	0	ER2	AS 28.40.050(a-b) misd.***
AS 28.35.180	Disobedience to Signal of Officer Regulating Traffic	30	2	SC1	AS 28.40.050(a-b) misd.**
AS 28.35.182	Failure to Stop at Direction of Peace Officer	Mand/Cr	10	HR4	AS 28.35.182(c) B misd.
AS 28.35.235	Unauthorized Use of Handicapped Parking	100	0	ZZZ	AS 28.35.235(b) /28.40.050(c)**
AS 28.35.251	Contained or Confined Loads	100	0	EM2	AS 28.35.255 inf.**
AS 28.35.253	Anti-Spray Devices Required	Corr	0	ER1	AS 28.35.255 inf.***

AS 42.10 NOTE: The AS 42.10 (Alaska Motor Freight Carrier) offenses previously listed on the traffic bail schedule were repealed by 1983 initiative #2, effective February 1985.

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
11 AAC 12	NOTE: The 11 AAC 12 regulations (State Park Traffic Offenses) have been removed from the traffic bail schedule because they are now listed in the State Parks Bail Schedule, Supreme Court Order No. 655, effective September 3, 1985 (repealed and reenacted as Administrative Rule 43.3, effective January 1, 1987).				
13 AAC 02.005(a)	Disobedience to Traffic Control Devices	30	2	SC2	AS 28.40.050(c) inf.**
13 AAC 02.010(a)(1)(A&B)	FTY to Vehicle in Intersection After Green Signal	50	4	RW2	AS 28.40.050(c) inf.**
13 AAC 02.010(a)(1)(A&B)	FTY to Pedestrian in Crosswalk After Green Signal	50	4	RW4	AS 28.40.050(c) inf.**
13 AAC 02.010(a)(3)(A)	Failure to Stop for Steady Red Traffic Signal	50	4	SC7	AS 28.40.050(c) inf.**
13 AAC 02.010(a)(3)(B)	FTY When Turning on Red Signal	50	4	RW2	AS 28.40.050(c) inf.**
13 AAC 02.010(a)(3)(B)	Turning on Red Signal When Prohibited	30	2	TU3	AS 28.40.050(c) inf.**
13 AAC 02.010(a)(3)(C)	Failure to Stop for Steady Red Arrow	50	4	SC7	AS 28.40.050(c) inf.**
13 AAC 02.010(b)	Position of Vehicle Stopping at Intersection	30	2	MS1	AS 28.40.050(c) inf.**
13 AAC 02.015	Failure to Obey Pedestrian Control Signal	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.020(a)(1)	Failure to Yield After Stopping for Flashing Red Signal	50	4	RW2	AS 28.40.050(c) inf.**
13 AAC 02.020(a)(1)	Failure to Stop for Flashing Red Signal	50	4	SC7	AS 28.40.050(c) inf.**
13 AAC 02.025	Lane Use Control Signals	30	2	SC1	AS 28.40.050(c) inf.**
13 AAC 02.030(a)	Display of Unauthorized Signs, Signals, or Markings	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.050(a)	Failure to Drive on Right Side of Roadway	30	2	IL2	AS 28.40.050(c) inf.**
13 AAC 02.050(a)(3)	FTY When Driving Left of Obstructed Roadway	50	4	RW	AS 28.40.050(c) inf.**
13 AAC 02.050(b)	Vehicle Not to Use Left Lane at Less than Speed Limit	30	2	IL2	AS 28.40.050(c) inf.**
13 AAC 02.050(b)	Turn Off Required When 5 or More Vehicles Are Behind	50	4	PA6	AS 28.40.050(c) inf.**
13 AAC 02.055(a)	Improper Overtaking on Right	30	2	PA2	AS 28.40.050(c) inf.**
13 AAC 02.055(b)	Return to Lane Only When Clear	50	4	PA3	AS 28.40.050(c) inf.**
13 AAC 02.060(a)	Limitations on Driving Left of Center	30	2	IL2	AS 28.40.050(c) inf.**
13 AAC 02.065(a)	Improper Overtaking on the Left	30	2	PA2	AS 28.40.050(c) inf.**
13 AAC 02.065(a)	FTY to Overtaking Vehicle	50	4	PA6	AS 28.40.050(c) inf.**
13 AAC 02.065(b)	FTY to On-Coming Traffic When Passing	50	4	PA3	AS 28.40.050(c) inf.**
13 AAC 02.070	FTY 1/2 of Roadway to On-coming Vehicle and Failure to Pass on Right of On-coming Vehicle	50	4	PA3	AS 28.40.050(c) inf.**

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
13 AAC 02.075(b)	Passing/Driving Left of Center in No Pass Zone	50	2	PA1	AS 28.40.050(c) inf.**
13 AAC 02.080(b-c)	Wrong Way on One-Way Roadway	30	2	WW1	AS 28.40.050(c) inf.**
13 AAC 02.085(a)	Improper Lane Change	30	2	IL1	AS 28.40.050(c) inf.**
13 AAC 02.085(b)	Improper Use of Center Lane of 3-Lane Roadway	30	2	IL2	AS 28.40.050(c) inf.**
13 AAC 02.090(a-c)	Following Too Closely	50	4	F01	AS 28.40.050(c) inf.**
13 AAC 02.095(a)	Driving Over, Across or Within Barrier/Median	50	2	IL4	AS 28.40.050(c) inf.**
13 AAC 02.095(a)	Failure to Stay on Right Side of Divided Highway	50	2	WW2	AS 28.40.050(c) inf.**
13 AAC 02.095(c)	Improper Entry/Exit-Controlled- Access Highway	30	2	IL5	AS 28.40.050(c) inf.**
13 AAC 02.107	Drive Nearest Right Edge on Narrow/Winding Roadway	30	2	IL2	AS 28.40.050(c) inf.**
13 AAC 02.120(a)	FTY to Vehicle on Right at Unsigned Intersection	50	4	RW3	AS 28.40.050(c) inf.**
13 AAC 02.120(b)	FTY to Vehicle Entering Intersection After Stop	50	4	RW2	AS 28.40.050(c) inf.**
13 AAC 02.125	FTY When Turning Left	50	4	RW	AS 28.40.050(c) inf.**
13 AAC 02.130(b)	Improper Position of Vehicle Stopping at Stop Sign	30	2	MS1	AS 28.40.050(c) inf.**
13 AAC 02.130(b)	Failure to Stop for Stop Sign	50	4	SC7	AS 28.40.050(c) inf.**
13 AAC 02.130(b-c)	FTY After Stopping or at Yield Sign	50	4	RW2	AS 28.40.050(c) inf.**
13 AAC 02.135(b)	FTY When Entering Roadway from Non-Roadway	50	4	RW2	AS 28.40.050(c) inf.**
13 AAC 02.140(a-b)	FTY to Authorized Emergency Vehicle	Mand/Inf	6	RW1	AS 28.40.050(c) inf.
13 AAC 02.140(c)	Driver of Emergency Vehicle Not to Disregard Safety	30	2	MS6	AS 28.40.050(c) inf.**
13 AAC 02.150(a-b)	Pedestrians Subject to Traffic Regulations	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.155(a)	FTY to Pedestrian in Crosswalk	50	4	RW2	AS 28.40.050(c) inf.**
13 AAC 02.155(b)	Pedestrian to Exercise Due Caution	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.155(c)	Vehicle Not to Pass Vehicle Stopped for Pedestrian	50	4	RW4	AS 28.40.050(c) inf.**
13 AAC 02.155(e)	Not to Drive Within or Through Pedestrian Safety Zone	30	2	SC2	AS 28.40.050(c) inf.**
13 AAC 02.160(a-f)	Pedestrian Crossing at Other than Crosswalks	20	0	ZZZ	AS 28.40.050(c) inf.**

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
13 AAC 02.175(a-e)	Pedestrian to Use Sidewalk/Left Edge of Roadway and Not Interfere, Sleep, Loiter or Obstruct	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.180	Pedestrian Not to Distract Drivers When Soliciting Rides and Pedestrian Not to Solicit Employment, Business or Contributions from Vehicle Occupants	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.190(a)	FTY to Pedestrian w/White Car./ Guide Dog	50	4	RW4	AS 28.40.050(c) inf.**
20 13 AAC 02.190(b)	Not to Use White Cane/Guide Dog Unless Blind	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.195(a)	Pedestrian FTY to Authorized Emergency Vehicle	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.200(a-c)	Improper Position/Method Turning at Intersection	30	2	TU3	AS 28.40.050(c) inf.**
13 AAC 02.205(a-b)	U-Turn Only When Safe/Not on Hill, Crest or Curve	30	2	TU3	AS 28.40.050(c) inf.**
13 AAC 02.210	Improper Start From Parked/ Stopped/Standing	30	2	SP5	AS 28.40.050(c) inf.**
13 AAC 02.215 (a-f)	Signals Required Turn/Stop /Slowing-Discontinue After	30	2	11	AS 28.40.050(c) inf.**
13 AAC 02.240 (a-b)	Obedience to Train Signals and Barriers	50	4	SC7	AS 28.40.050(c) inf.**
13 AAC 02.250(a)	Certain Vehicles to Stop at All Railroad Crossings	50	4	SC7	AS 28.40.050(c) inf.**
13 AAC 02.255 (a&b)	Heavy Equipment to Give Notice of RR Crossing	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.255 (a&c)	Heavy Equipment to Stop at RR Crossing	50	4	SC7	AS 28.40.050(c) inf.**
13 AAC 02.257	Give Warning w/Horn When Vision Restricted/Alley/Driveway/Bldgs.	30	2	EM	AS 28.40.050(c) inf.**
13 AAC 02.257	Stop: Emerging from Alley/ Driveway/Building	50	4	SC7	AS 28.40.050(c) inf.**
21 13 AAC 02.257	Position of Stop When Emerging From Alley/Driveway/Bldg.	30	2	MS1	AS 28.40.050(c) inf.**
13 AAC 02.260(a)	Failure to Stop for School Bus w/Flashing Red Lights (charge under AS 28.35.145(a))				
13 AAC 02.260(d)	FTY to Children Crossing Road to/ from School Bus (charge under AS 28.35.145(b))				
13 AAC 02.265	Stop When Traffic May be Obstructed	30	2	MS1	AS 28.40.050(c) inf.**
13 AAC 02.275(a)	Basic Speed: Reasonable & Prudent for Road Conditions	30	2	SP2	AS 28.40.050(c) inf.**

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
13 AAC 02.275(b)	Speeding:				
	3-9 mph over posted limit	4/mi.	2	X--	AS 28.40.050(c) inf.**
	10-19 mph over posted limit	4/mi.	4	X--	AS 28.40.050(c) inf.**
	20 mph or more over limit	Mand/Inf	6	X--	AS 28.40.050(c) inf.
13 AAC 02.280(a-d)	Altered Speed Limits:				
	3-9 mph over posted limit	4/mi.	2	X--	AS 28.40.050(c) inf.**
	10-19 mph over posted limit	4/mi.	4	X--	AS 28.40.050(c) inf.**
	20 mph or more over limit	Mand/Inf	6	X--	AS 28.40.050(c) inf.
13 AAC 02.295	Minimum Speed Regulation	30	2	SP4	AS 28.40.050(c) inf.**
13 AAC 02.325(a)	Speed Limitation on Motor-Driven Cycles at Night	30	2	SP2	AS 28.40.050(c) inf.**
13 AAC 02.325(b),(c),(e)	Special Speed Limit When: Towing Mobile Home/Equipped with Lighted Headlights/Passing School Bus with Flashing Yellow Lights				
	3-9 mph over	4/mi.	2	X--	AS 28.40.050(c) inf.**
	10-19 mph over	4/mi.	4	X--	AS 28.40.050(c) inf.**
	20 mph or more over	Mand/Inf	6	X--	AS 28.40.050(c) inf.
13 AAC 02.325(d)	Speed: Over 20 mph in School Zone/Playground Crosswalk	Mand/Inf	6	SP6	AS 28.40.050(c) inf.
13 AAC 02.325(f)	Overweight, Oversize or Excess Speed When Crossing Over Bridge or Through Tunnel				
	3-9 mph over	4/mi	2	X--	AS 28.40.050(c) inf.**
	10-19 mph over	4/mi	4	X--	AS 28.40.050(c) inf.**
	20 mph or more over	Mand/Inf	6	X--	AS 28.40.050(c) inf.
	Overwidth	25/ft	0	EM2	AS 28.40.050(c) inf.**
	Overlength	10/ft	0	EM2	AS 28.40.050(c) inf.**
	Overweight	.05/lb	0	EM2	AS 28.40.050(c) inf.**
13 AAC 02.330(a)	Racing on Highways	Mand/Inf	10	SP1	AS 28.40.050(c) inf.
13 AAC 02.340(a-d)	Stopping/Standing/Parking on Highway/Other Location	10	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.365(a-g)	Additional Parking Regulations	10	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.367(d)	Not to Stop/Stand/Park in Loading Zone	10	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.372(b)	Position of Bus Stopping to Load/Unload Passengers	10	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.372(c)	Taxi Cab Restrictions on Standing/Parking	10	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.372(d)	Stop/Stand in Bus Stop/Taxi Stand	10	0	ZZZ	AS 28.40.050(c) inf.**

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	CLASSIFICATION SECTION
13 AAC 02.377(c-f)	Parking Meter Violations	7	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.395(b-e)	Special Bicycle Violations	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.400(a-h)	Riding Bicycles on Roadways/ Bike Paths	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.420(a-c)	Parking of Bicycles	10	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.425(a-d)	Special Motorcycle Violations	30	2	MS6	AS 28.40.050(c) inf.**
13 AAC 02.427(a)	Motor Vehicle Not to Deprive Motorcycle of Full Lane Use	30	2	IL2	AS 28.40.050(c) inf.**
13 AAC 02.427(a)	Motorcycles More than Two Abreast	30	2	MS6	AS 28.40.050(c) inf.**
13 AAC 02.427(b)	Motorcycle Passing in Same Lane As Other Motor Vehicle	30	2	PA1	AS 28.40.050(c) inf.**
13 AAC 02.445	Snowmobile and Other Off-Highway Vehicle Violations	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.445(a-g)	Snowmobile and Other Off-Highway Vehicle Operation on Highways and Other Locations	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.480	Requirements for Unattended Motor Vehicle	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.482(a)	Bicycles/Pedestrians Traveling in Prohibited Area	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.482(a)	Driving a Motor Vehicle Where Prohibited	30	2	IL4	AS 28.40.050(c) inf.**
13 AAC 02.482(b)	Non-Motorized Vehicle to Yield to Traffic on Roadway	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.485(a-b)	Limitation on Backing	30	2	MS2	AS 28.40.050(c) inf.**
13 AAC 02.487	Driving Vehicle on Sidewalk	30	2	IL4	AS 28.40.050(c) inf.**
13 AAC 02.495(a-c)	Obstructing Driver's View/ Control of Vehicle	30	2	MS6	AS 28.40.050(c) inf.**
13 AAC 02.495(d)	Opening Doors/Entering or Leaving When Vehicle in Motion	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.495(e-f)	Person Riding Outside Vehicle Or in Trailer	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.497(a)	Interfering w/Funeral Procession	30	2	MS	AS 28.40.050(c) inf.**
13 AAC 02.497(b)	Requirements for Drivers in Funeral Procession	30	2	MS	AS 28.40.050(c) inf.**
13 AAC 02.497(c)	Permit Requirements for Funeral Procession/Parade	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.505(a-c)	Animals on Highway	Hand/Inf	0	ZZZ	AS 28.40.050(c) inf.
13 AAC 02.505(d-e)	Motor Vehicle Drivers to Exercise Due Care Re Animals	30	2	MS	AS 28.40.050(c) inf.**
13 AAC 02.515	Coasting Prohibited	30	2	RK4	AS 28.40.050(c) inf.**
13 AAC 02.517(a-g)	Emergency Vehicle Regulations	30	2	MS	AS 28.40.050(c) inf.**

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
13 AAC 02.520(a)	Following Emergency Vehicle Closer Than 500 Feet	50	4	F03	- AS 28.40.050(c) inf.**
13 AAC 02.520(b)	Improper Stopping/Parking at Emergency Scene	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.520(c)	Crossing Fire Hose	30	2	MS4	AS 28.40.050(c) inf.**
13 AAC 02.530(a-b)	Littering/Depositing Material on Highway (See also AS 46.06.080 above)	Mand/Inf	0	ZZZ	AS 28.40.050(c) inf.
13 AAC 02.530(d)	Haul/Drag Material Causing Damage to Highway	30	2	MS6	AS 28.40.050(c) inf.**
26 13 AAC 02.532	RR Trains Not to Block Roadways	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 02.545(a)	Drinking While Driving	50	2	D14	AS 28.40.050(c) inf.**
13 AAC 02.545(b)	Drivers to Exercise Due Care to Avoid Collision	30	2	MS6	AS 28.40.050(c) inf.**
13 AAC 04.002	Unlawful to Drive Unsafe Vehicle	Mand/Inf	0	DE0	AS 28.40.050(c) inf.
13 AAC 04.003	Minimum Equipment Required for Sale/Rent/Lease/Loan	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 04.004(a-c)	Sale or Use of Equipment	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 04.005	Disconnection/Alteration of Equipment	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 04.006(b-c)	Submit to Roadside Vehicle Inspection	30	2	SC1	AS 28.40.050(c) inf.**
13 AAC 04.007(c-d)	Not to Move Unsafe Vehicle Unless Authorized	Mand/Inf	0	DE5	AS 28.40.050(c) inf.
13 AAC 04.009(a-c)	Prohibited Practices - Inspection/Repair	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 04.010	Illuminate Lights as Required	30	2	EM	AS 28.40.050(c) inf.**
13 AAC 04.015(a)	Lights in Good Working Order/ Not Obstructed	20	0	ER1	AS 28.40.050(c) inf.**
13 AAC 04.020(a)&(f-g)	Headlight Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.020(e)(1&2)	Headlight Dimming Requirements	30	2	EM5	AS 28.40.050(c) inf.**
27 13 AAC 04.025(a-c)	Taillight Requirements	Corr	0	EM1	AS 28.40.050(c) inf.***
13 AAC 04.030(a)	Reflector Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.035(a-c)	Stop Light Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.037(a-c)	Turn Light Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.040(a-q)	Additional Lighting Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.070 (a-d)	Parking Light Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.070(e)	Parking Lights Not Used When Vehicle in Motion	30	2	EM	AS 28.40.050(c) inf.**
13 AAC 04.090(a),(c),(g)	Additional Lights Required for Emergency Vehicle	Corr	0	ER1	AS 28.40.050(c) inf.***

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
13 AAC 04.095(c-i)	Flashing Yellow Vehicular Light Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.095(d),(g),(i)	Flashing Yellow Lights Used When Required	30	2	EM	AS 28.40.050(c) inf.**
13 AAC 04.097(a)	Use of Flashing Red Light - School Bus	30	2	EM	AS 28.40.050(c) inf.**
13 AAC 04.097(a-c)	Special School Bus Lighting Equipment	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.100(a-h)	Improper Use of Flashing Blue Lights	30	2	EM	AS 28.40.050(c) inf.**
28 13 AAC 04.145(a-e)	Improper Use of Auxiliary/Spot Lights	30	2	EM	AS 28.40.050(c) inf.**
13 AAC 04.145(a-e)	Restrictions on Lighting Equipment	Corr	0	ER2	AS 28.40.050(c) inf.***
13 AAC 04.205(a-c)	Brake Requirements	Corr	0	DE2	AS 28.40.050(c) inf.***
13 AAC 04.210(a)	Failure to Give Audible Warning as Required	20	2	EM	AS 28.40.050(c) inf.**
13 AAC 04.210(a-d)	Horn/Warning Device Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.215(a-b)	Muffler Requirements	Corr	0	DE3	AS 28.40.050(c) inf.***
13 AAC 04.220(a-c)	Mirror Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.225(a-b)	View Not to be Obstructed	30	2	MS6	AS 28.40.050(c) inf.**
13 AAC 04.225(a-g)	Windshield and Wiper Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.227(a-b)	Steering Assem/Wheel Align/Body Condition	Mand/Inf	0	DE5	AS 28.40.050(c) inf.
13 AAC 04.230(a-e)	Tire Restrictions and Requirements	Corr	0	DE4	AS 28.40.050(c) inf.***
13 AAC 04.240(a-c)	Flares/Other Warning Devices Requirements	20	0	ER1	AS 28.40.050(c) inf.**
13 AAC 04.245(a-i)	Display of Warning Lights /Devices	20	0	ER1	AS 28.40.050(c) inf.**
13 AAC 04.247(a-c)	Color/Special Equipment on School Buses	Corr	0	ER1	AS 28.40.050(c) inf.***
28 13 AAC 04.247(d)	Improper Use of Signs/Stop Arm on School Bus	30	2	EM	AS 28.40.050(c) inf.**
13 AAC 04.250(a),(d)	Requirements for Transporting Hazardous Material	20	0	ER1	AS 28.40.050(c) inf.**
13 AAC 04.250(b)	Give Notice of Transporting Hazardous Material	20	0	MS	AS 28.40.050(c) inf.**
13 AAC 04.252(a-c)	Slow Moving Vehicle Emblem Requirements	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 04.255(b-d)	Air-Conditioning Equipment Requirements	Corr	0	ER2	AS 28.40.050(c) inf.***
13 AAC 04.257	Emission Control System Requirements	Corr	0	ER2	AS 28.40.050(c) inf.***
13 AAC 04.260(a-c)	Restrictions on Television/Headset in Motor Vehicle	20	0	ER2	AS 28.40.050(c) inf.**

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
13 AAC 04.265(a-b)	Anti-Spray Device Requirements (see AS 28.35.253 also)	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.270(a),(c)	Safety Belt Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.272	Energy Absorption System Req.	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.275(a-e)	Connections/Safety Devices Towed Vehicles	20	0	ER1	AS 28.40.050(c) inf.**
13 AAC 04.320(a-b)	Motorcycle Headlight Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.320(c)	Bicycle Headlight Requirements	Corr	0	ZZZ	AS 28.40.050(c) inf.***
30 13 AAC 04.320(d)	Lights Turned On When on Hwy- Motor Driven Cycle	30	2	EM	AS 28.40.050(c) inf.**
13 AAC 04.325(a)	Bicycle Taillight Requirements	Corr	0	ZZZ	AS 28.40.050(c) inf.***
13 AAC 04.325(a-b)	Motorcycle Taillight Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.330(a-b)	Motorcycle Stop/Turn Light Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.335(a)	Motorcycle Reflector Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.335(b)	Bicycle Reflector Requirements	Corr	0	ZZZ	AS 28.40.050(c) inf.***
13 AAC 04.340(a)	Motorcycle Brake Requirements	Corr	0	DE2	AS 28.40.050(c) inf.***
13 AAC 04.340(b)	Bicycle Brakes	Corr	0	ZZZ	AS 28.40.050(c) inf.***
13 AAC 04.345(a)	Motorcycle Handgrips and Foot- rests for Passengers	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.345(b)	Motorcycle Handlebar Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.350(a)	Helmet Required-Minors/Passengers (AS 28.35.245 exempts adults)	20	0	ER1	AS 28.40.050(c) inf.**
13 AAC 04.350(b)	Eye-Protective Device Required When No Windscreen	20	0	ER1	AS 28.40.050(c) inf.**
13 AAC 04.350(c)	Minimum Equip. for Rent/Lease/ Loan of Motorcycle	20	0	ZZZ	AS 28.40.050(c) inf.**
13 AAC 04.355(a)	Other Equipment Required (horn, mirrors, tiers, emission control system)				
	Bicycle	Corr	0	ZZZ	AS 28.40.050(c) inf.***
	Motor-Driven Cycle	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.355(b)	Motorcycle Windshield Requirements	Corr	0	ER1	AS 28.40.050(c) inf.***
13 AAC 04.400(a-b)	Snowmobile/Off Hwy Vehicle Lights and Reflectors	Corr	0	ZZZ	AS 28.40.050(c) inf.***
13 AAC 04.405	Snowmobile/Off Hwy Vehicle Brakes	Corr	0	ZZZ	AS 28.40.050(c) inf.***
13 AAC 04.410	Snowmobile/Off Hwy Vehicle Throttle	Corr	0	ZZZ	AS 28.40.050(c) inf.***
13 AAC 04.415(a-b)	Snowmobile/Off Hwy Vehicle Muffler/Emission Controls	Corr	0	ZZZ	AS 28.40.050(c) inf.***

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
13 AAC 04.420(a-b)	Snowmobile/Off Hwy Vehicle Other Equipment	Corr	0	ZZZ	AS 28.40.050(c) inf.***
13 AAC 06.010	Unlawful Driving of Unsafe Vehicles	Mand/Inf	0	DES	AS 28.40.050(c) inf.
13 AAC 06.020(a)	Refusing to Submit Vehicle to Inspection or Test	30	2	SC1	AS 28.40.050(c) inf.**
13 AAC 06.020(b)	Operating Vehicle After Being Directed to Have it Repaired	20	0	DES	AS 28.40.050(c) inf.**
13 AAC 06.040(a)	Failure to Stop & Submit to Roadside Inspection	30	2	SC1	AS 28.40.050(c) inf.**
32 13 AAC 08.030	School Bus Driver Permit Must Be Carried and Displayed Upon Demand	Corr	2	RR4	AS 28.40.050(c) inf.
13 AAC 08.085(a)	Failure to File Written Accident Report Within 10 Days (charge under AS 28.35.080(b))				
13 AAC 08.140	Unlawful Use of Classified License	30	2	VR5	AS 28.40.050(c) inf.**
13 AAC 20.200	NOTE: 13 AAC 20.200 (oversize and overweight permits, formerly 17 AAC 25.080) was deleted from the AAC in October 1982 because its underlying statute was repealed.				
14 AAC 10	NOTE: The 14 AAC offenses (airport offenses) were relocated to 17 AAC 40 in July 1979. See below.				
17 AAC 25.020(a)	Overwidth, 8'6" Maximum	50/ft. or fraction thereof	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol.**
17 AAC 25.030(a)	Overheight, 14' Maximum	50	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol
17 AAC 25.030(b)	Overlength Single Vehicle (40' Maximum)	50/ft. or fraction thereof	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol
17 AAC 25.030(c)	Overlength Semi-trailer, 45' Maximum (non-designated highways)	50/ft. or fraction thereof	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol
17 AAC 25.030(c)	Overlength Truck Tractor- Semi-Trailer, 70' Maximum Bumper to Bumper (non- designated highways)	50/ft. or fraction thereof	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol
33 17 AAC 25.030(d)	Overlength Truck Tractor and Trailers, 75' Maximum Bumper to Bumper (non- designated highways)	50/ft. or fraction thereof	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol
17 AAC 25.030(e)	Overhangs-3' Front, 4' Rear Maximum	20/ft. or fraction thereof	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol
17 AAC 25.030(f), (g) or (j)	Overlength Semi-Trailer or Trailer, 48' Maximum (designated highways)	50/ft. or fraction thereof	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol
17 AAC 25.030(g)	Overlength Truck Tractor & Trailers, 90' Front of First Trailer to Rear of Second Trailer Maximum (designated highways)	50/ft. or fraction thereof	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
17 AAC 25.030(h)	Triples Prohibited (three cargo carrying units)	300	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol.**
17 AAC 25.030(i)	Oversize Sign Required on Combinations over 75' (designated highways)	50	0	ER	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol.**
17 AAC 25.030(k)	Overlength Truck-Trailer, 90' Maximum, Bumper to Bumper (designated highways)	50/ft. or fraction thereof	0	EM2	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol.**
34 17 AAC 25.035	Reasonable Access, 25 Miles Maximum	150	0	RR	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol.**
17 AAC 25.040(a)	Leaking Load on Highway	100	0	ER	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol.**
17 AAC 25.040(b)	Unsecure Load	100	0	ER	AS 45.75.380(a)(11) /AS 12.55.035(b)(5) viol.**
17 AAC 25.060(a)(1)	Overweight Gross	.05/lb.	0	EM3	AS 45.75.380(a)(11)&(b) /AS 12.55.035(b)(5) viol.**
17 AAC 25.060(a)(2)	Overweight Axles	.05/lb.	0	EM3	AS 45.75.380(a)(11)&(b) /AS 12.55.035(b)(5) viol.**
17 AAC 25.060(a)(3)	Overweight Tires	.05/lb.	0	EM3	AS 45.75.380(a)(11)&(b) /AS 12.55.035(b)(5) viol.**
17 AAC 40.030(a)(1)	Operate Vehicle in Accordance With General Rules at Airport	30	2	MS6	AS 02.15.240 misd.**
17 AAC 40.030(a)(2)	Reckless Driving at State Airport	Mand/Cr	10	RK1	AS 02.15.240 misd.
17 AAC 40.040(a)(2), (c)(3)	Speeding:				
	3-9 mph over prescribed limits	4/mf	2	X--	AS 02.15.240 misd.**
	10-19 mph over prescribed limits	4/mf	4	X--	AS 02.15.240 misd.**
	20 mph or more over prescribed limits	Mand/Cr	6	X--	AS 02.15.240 misd.
35 17 AAC 40.030(b)(1-4)	For-Hire Vehicles Must Obtain Permit	20	0	ZZZ	AS 02.15.240 misd.**
17 AAC 40.030(b)(5)	For-Hire Vehicles Not to Solicit Passengers	20	0	ZZZ	AS 02.15.240 misd.**
17 AAC 40.030(c)(1)	Improper Operation on Runways, Taxiways, Etc.	30	2	MS6	AS 02.15.240 misd.**
17 AAC 40.030(c)(2)	Vehicle to be in Safe Operating Condition	Mand/Cr	0	DE	AS 02.15.240 misd.
17 AAC 40.030(c)(4)	Ramp Operator's Permit Required for Ramp Operation	20	0	ZZZ	AS 02.15.240 misd.**
17 AAC 40.030(d)(1) &(d)(3)	Illegal Parking/Abandoning Vehicle	10	0	ZZZ	AS 02.15.240 misd.**
17 AAC 40.030(d)(2)	Expired Parking Meter	7	0	ZZZ	AS 02.15.240 misd.**

STATUTE/REGULATION	OFFENSE	BAIL OR CATEGORY*	POINTS	PROCESSING CODE	PENALTY SECTION
17 AAC 40.030(e)	Improper Operation of Vehicle Inside Buildings	30	2	MS6	AS 02.15.240 misd.**
17 AAC 40.420(a)	Permit Required for Operation on Landing Area/Apron/Etc.	20	0	ZZZ	AS 02.15.240 misd.**
17 AAC 40.420(b)	Operate Vehicle For Disposing Garbage/Waste Material	20	0	ZZZ	AS 02.15.240 misd.**
17 AAC 40.440(b)	Vehicles to Have Proper Identification	20	0	ZZZ	AS 02.15.240 misd.**

36

\* CATEGORIES: Corr = correctable/dismissible.  
Mand/Inf = mandatory appearance infraction.  
Mand/Cr = mandatory appearance misdemeanor or felony.  
Mand/Viol = mandatory appearance violation.  
See further explanation on pages 3-4.

\*\* In spite of this penalty section, the maximum penalty for this offense is the bail amount.  
See AS 12.25.230(c), AS 45.75.133(e), and Administrative Rules 43.1 and 43.6.

\*\*\* Correctable under 13 AAC 06.050 or 13 AAC 04.008 or both.

\*\*\*\* This offense is not on the traffic bail forfeiture schedule. The \$50 penalty for littering is a fine, not a bail forfeiture amount. In the littering statute, AS 46.06.080, the legislature created its own fine schedule rather than requiring the supreme court to create a bail schedule for this offense.

\*\*\*\*\* Under AS 28.05.099, the court may waive the \$15 penalty for violating AS 28.05.095(a) or (d) concerning safety belts if the defendant donates \$15 to the Emergency Medical Services entity providing services in the area in which the violation occurred.

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VEHICLE AND TRAFFIC OFFENSES  
LISTED BY TYPE OF OFFENSE

Page

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# VEHICLE AND TRAFFIC OFFENSES BOOKLET



March 1991

Alaska Court System  
Office of Special Projects  
303 K Street  
Anchorage, AK 99501

*State of Alaska  
Alaska Police Standards Council  
Pouch N - Juneau, Alaska 99811*

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BILL NO: HB319

DATE:

TITLE: "An Act relating to the training of law enforcement and corrections officers... creating the Alaska Police Standards Training Fund"  
CONTACT: Laddie Shaw  
Executive Director  
Alaska Police  
Standards Council  
465-4378

This bill addresses the ongoing problem of fulfilling the in-service and specialized training requirements of law enforcement and corrections statewide.

HB319 would generate the funding necessary to provide Alaska law enforcement and corrections officers the level of training they need to adequately perform their roles in an ever-changing contemporary society.

HB319 would allow for sufficient staff and funding to allow the Alaska Police Standards Council to fulfill their obligation under AS 18.65.230 by making available criminal justice education and training to peace officers, and corrections, probation, and parole officers.

This bill would allow the Alaska Police Standards council to re-emphasize its mission in providing quality service to the public by maximizing the training investment in our law enforcement and corrections personnel.

The goals of the Alaska Police Standards Council is to enhance the ability of its peace officers to provide that level of service desired by the citizens of Alaska through:

- Prescribing essential training requirements and curriculum;
- Promoting advanced and executive level training;
- Implementing and enforcing prerequisite standards for the selection and retention of officers;
- Maximizing the utilization of the training fund;
- Fostering a spirit of professional and community cooperation.

Civil actions resulting from inadequate training are on the increase. The end costs of providing adequate training is negligible when compared to the cost associated with lawsuits and their resultant judgement.

In developing a user fee assessment funding system the violators pay for police and corrections training.

This bill is supported by the Alaska Police Standards Council.

LETTERS

State of Alaska  
Alaska Police Standards Council  
Pouch N - Juntau, Alaska 99811

1  
2 APSC Mission Objectives

3 To produce a highly-trained and positively motivated  
4 professional, capable of meeting contemporary law enforcement  
5 standards of performance.

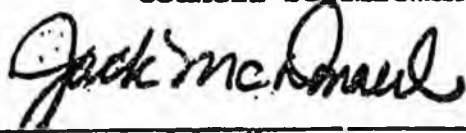
- 6 - To build on the foundation of skill and knowledge  
7 acquired at the basic academy, with continued  
8 education and training where the officer may  
9 enhance those skills and increase proficiency in  
10 all aspects of job performance.
- 11 - To cooperatively establish a career path within the  
12 respective agencies, by providing qualified members  
13 with advanced training and opportunities to develop  
14 leadership and supervisory skills.
- 15 - To ultimately increase the overall efficiency and  
16 effectiveness of the law enforcement and  
17 corrections community by assuring a climate of  
18 professionalism and conscientious standards of law  
19 enforcement and corrections.

20 APSC Responsibilities

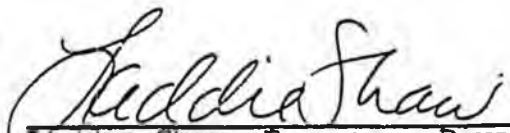
21 The Council is appointed by the Governor, to represent state and  
22 municipal police and correction's administrators, individual  
23 officers, and the private sector.

24 Statutory requirements:

- 25 (1) establish minimum employment, training and  
26 educational standards for all full-time state,  
27 municipal police, probation, parole and  
28 correctional officers in Alaska;
- 29 (2) establish minimum curriculum requirements for  
30 all police, probation, parole and correctional  
31 officers training programs, courses and classes;
- 32 (3) consult and cooperate with all agencies concerning  
the development of police, probation, parole and  
correctional officers training schools and programs  
of instruction;
- (4) establish and maintain police, probation, parole  
and correctional officers training programs;
- (5) issue certificates evidencing satisfaction of  
Council requirements.

33 

34 Jack McDonald, Chairman  
Alaska Police Standards Council

35 

36 Laddie Shaw, Executive Director  
Alaska Police Standards Council

# CITY/BOROUGH OF JUNEAU

JAN 21 1994

## POLICE DEPARTMENT

210 ADMIRAL WAY • JUNEAU, ALASKA 99801

RICHARD W. GUMMOW  
CHIEF OF POLICE

*Alaska's Capital City*

BUSINESS 586-2780  
EMERGENCY 9-1-1

January 20, 1994

The Honorable Gail H. Phillips  
Alaska State Capitol  
Room 216  
Juneau, Alaska 99801-1182

Dear Representative Phillips:

I would like to take a moment to express my unqualified support of HB 319, *The Alaska Police Standards Training Fund*.

The legislation you have sponsored is absolutely vital to Alaska law enforcement. Policing in the 1990's is much more demanding and complex than ever before. Pressing social issues including dysfunctional families, poverty, homelessness, drug addiction, gang warfare, and escalating crimes of violence have created an overwhelming burden for our peace officers. We have ever increasing expectations of the quality of service and levels of professionalism delivered by our peace officers. We demand more sensitivity, more productivity, and greater accountability, all with diminishing financial resources.

Police managers and elected officials from small and mid-sized cities throughout the United States have learned from experience that they seriously underestimated their communities' ability to remain free from the devastating influence of crime that has long plagued large urban cities. Until recently, Alaskans have been insulated from serious crime and its destructive effect on our communities. However, occurrences of gang violence, drive-by shootings, homicides, hate crimes, armed robberies, and other acts of senseless violence committed by Alaskans against Alaskans are reported in our newspapers with increasing regularity.

Alaska's peace officers now face an enormous challenge that will require a significant increase in the level of professional development, skills, and training to meet the rigorous demands of contemporary policing.

The provisions of your Bill will finally provide a long overdue stable funding source for Alaska Police Standards Council, without levying additional general tax increases. I am convinced that the professional standard and quality of Alaska law enforcement will improve dramatically with the passage of this Bill, as will the general safety of all Alaska residents.

I am available to discuss any questions you may have regarding the importance of peace officer training, and I am willing to testify at any subsequent hearings should you find it helpful.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard W. Gummow".

Richard W. Gummow  
Chief of Police

cc: Laddie Shaw  
Alaska Police Standards Council

H B

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# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 323

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Organ and Tissue Donations BRU: State Health Services  
 Component: Bureau of Vital Statistics  
 Sponsor: Toohcy  
 Requestor: House HES COMPONENT SERIAL NO. #961

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) cost \$ NONE

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact

Prepared by: Peter M. Nakamura, MD, MPH  
 Division: Public Health  
 Approved by Commissioner: M. Lowe  
 Agency: Department of Health & Social Services

Phone: (907) 465-3090  
 Date: 01/13/94  
 Date: 1-14-94

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

# FISCAL NOTE

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO. CS HB 323(HESS)**  
 (Work draft 8-LS1283W)

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: An Act relating to the release of certain BRU: Trial Courts  
 Information for the purpose of facilitating anatomical gifts \_\_\_\_\_ Components: \_\_\_\_\_  
 Sponsor: Rep. Toohy  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

**EXPENDITURES/REVENUES** (Thousands of Dollars)

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 94) cost: \$ None

**ANALYSIS:** (Attach a separate page if necessary)  
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228  
 Agency: Alaska Court System Date: 01/24/94

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 01/24/94  
 Agency: Alaska Court System

PREPARER TO... LEGISLATIVE OFFICE

8-LS12830✓  
Bannister  
2/11/94

CS FOR HOUSE BILL NO. 323( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE TOOHEY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the release of certain information for the purpose of  
2 facilitating anatomical gifts."

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

4 \* Section 1. LEGISLATIVE INTENT. It is the intent of the legislature that a recipient  
5 of information from the Department of Health and Social Services under AS 18.50.310(i),  
6 enacted by sec. 2 of this Act, is encouraged to use reasonable discretion and sensitivity when  
7 contacting a person about a potential gift so that the recipient avoids offending the person's  
8 religious beliefs or causing the person undue emotional distress.

9 \* Sec. 2. AS 18.50.310 is amended by adding a new subsection to read:

10 (i) If, to facilitate an anatomical gift under AS 13.50, a person who is a bank  
11 or storage facility or who handles the procurement of anatomical gifts requests  
12 information contained in or collected by the department for the purpose of completing  
13 death certificates or other vital records, the department may release the requested  
14 information to the requestor. The information released may include information

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relating to the medical suitability of the potential gift for the intended purpose and the names of the persons who are identified in AS 13.50.010(b). In this subsection, "bank or storage facility" has the meaning given in AS 13.50.070.

## \* EXPLANATION OF THE CHANGE

The CS suggests only a change of one word. Page 1, line 13, after "vital":

Delete "statistics"

Add "records"

This is a technical change which the Department of Health and Human Services and the Court system supports.

The term "records" more appropriately references the supplemental reports which may contain information relating to the medical suitability of the potential donor and yet not be used in a statistical manner within the Department.



Official Business

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

REPRESENTATIVE CYNTHIA TOOHEY  
DISTRICT 13

State Capitol  
Juneau, AK 99801-1182

### SPONSOR STATEMENT

#### HOUSE BILL 323

"An Act relating to the release of certain information for the purpose of facilitating anatomical gifts"

A committee substitute was adopted in the House Health and Social Services Committee. CSHB323 (HESS) would allow the Department of Health and Social Services to release pertinent information, collected for the purpose of completing death certificates or other vital records, to a bank, storage facility, or person who handles procurement of anatomical gifts. That information would include the name of the person who could execute the anatomical gift and the medical suitability of the decedent.

This amendment to current statute would enable a transplant agency to obtain the necessary information, within a limited time-frame, to allow for successful donation to occur. Timing is of the essence. The harvesting of tissue must usually be done within the first twenty four hours after death.

It is anticipated there will be over 300 tissue and organ transplant requests by Alaskans in 1994. This includes tendon, tissue, corneal, and bone transplants. A tremendous difference can be made in the quality of life of the recipient of the transplant and can often provide a certain solace to the decedent's family and friends.

The Department of Health and Social Services and the Court system are strongly supportive of HB323. It has two zero fiscal notes.

Your support of this bill would be appreciated.

---

SPONSOR STATEMENT

INTERIM ADDRESS: 716 West 4th Avenue, Suite 330, Anchorage, 99501-2133

POSITION PAPER  
HB 323 (House HES)

HB 323 inserts new subsection (i) into AS 18.50.310 that permits the Bureau of Vital Statistics to allow release of death certificate information pertaining to next of kin and medical suitability for organ or tissue donation to individuals or organizations that provide for transplants of bodily organs or tissues.

Background:

Alaska's population is younger than the national average and participates in both occupations and recreational activities that are more risky than the national average. Therefore a larger than average number of decedents in Alaska are suitable for donation of organs and tissue. The window for successful harvest of useable donations is small, in many case 24 hours or less. It is therefore important that permission to accept donations be obtained as quickly as possible.

AS 18.50 does not currently allow release of the information necessary to obtain timely donations.

Position:

The department believes that it is important to facilitate timely donation of useable organs and tissues so long as it does not compromise public health and safety investigations and procedures. These materials can make the difference between life and death to citizens of Alaska.

Therefore the department supports this legislation.

Recommended by:

Peter M. Nakamura  
Peter M. Nakamura, MD, MPH  
Director  
Division of Public Health

Date:

1/13/94

Approved by:

Margaret R. Lowe  
Margaret R. Lowe, M.Ed., Ed.S.  
Commissioner

Date:

1-14-94

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STATE OF ALASKA  
OFFICE OF THE GOVERNOR

**BILL ANALYSIS**

DEPARTMENT H&SS	DIVISION Public Health	BILL NUMBER HB 323	SPONSOR Toohey
SHORT TITLE OF BILL An Act Authorizing the Bureau of Vital Statistics to release certain information for the purpose of organ and tissue donation.			
DEPARTMENT POSITION The Department supports this bill			
PREPARED BY Peter M. Nakamura, MD, MPH	DATE 11/13/94	COMMISSIONER'S SIGNATURE <i>M. Lowe</i>	DATE 1-14-94

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL Alaska Court System	CONSTITUENT GROUP(S) AFFECTED BY BILL None
ORGANIZATIONAL SUPPORT FOR BILL Organ and tissue harvesting organizations	ORGANIZATIONAL OPPOSITION TO BILL none known

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT  
Life Alaska, a tissue harvesting organization requested and received the cooperation of the Department of Health and Social Services in finding language that would allow tissues and organs to be harvested in a timely manner under Alaska law.

ANALYSIS OF BILL/PROGRAM EFFECTS  
This bill will allow the Department to release information for harvest of needed tissue without impeding either legal or public health investigations. The Department strongly supports this bill

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

**Sec. 18.50.310. Disclosure of records.** (a) To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system, it is unlawful for a person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of a record, except as provided by this section or as authorized by regulations issued under this chapter.

(b) The bureau may permit the use of data contained in vital statistics records for research purposes.

(c) Information in vital statistics records indicating that a birth occurred out of wedlock shall not be disclosed except upon order of a superior court or as provided by regulations.

(d) Appeals from decisions of the custodians of local records refusing disclosure under (a) and (b) of this section shall be made to the state registrar, whose decision is binding upon the custodian of local records.

(e) The department may by regulation provide for the release of information to authorized representatives of organizations or foundations that counsel the next of kin of victims of sudden infant death syndrome.

(f) Notwithstanding the provisions of AS 09.25.120, when 100 years have elapsed after the date of a birth, or 50 years have elapsed after the date of a death, marriage, divorce, dissolution of marriage, or annulment, the records of these events in the custody of the state registrar become public records subject to inspection and copying as provided in AS 09.25.110 — 09.25.140.

(g) The principal health officer of a municipality, or a municipal health officer designated by the principal health officer, may inspect vital statistics records pertinent to the functions of the principal health officer. The state registrar may enter into an agreement with a municipality governing the conditions and purposes of those inspections.

(h) In this section "principal health officer" means the municipal official who is exercising health powers and who is primarily responsible for public health in the municipality. (§ 27 ch 118 SLA 1960; am § 1 ch 132 SLA 1978; §§ 1, 2 ch 25 SLA 1984; am § 11 ch 200 SLA 1990)

**Effect of amendments.** — The 1990 amendment substituted "AS 09.25.110 — 09.25.140" for "AS 09.25.110 and AS 09.25.121 — 09.25.125" in subsection (f).

**Opinions of attorney general.** — The Bureau of Vital Statistics is authorized under its regulation, 7 AAC 05.925, to comply with requests for copies of documents made by the Longevity Bonus Program when necessary to perform its statutory duty of determining an individual's eligibility to receive the longevity bonus, unless otherwise prohibited by federal law. February 4, 1981 Op. Att'y Gen.

Although some provisions of a bill which would have accorded adopted persons who are 18 years of age or older a statutory right to a potentially substantial amount of information about their "natural" parents, and which would make it clear that Alaska's adoption statutes do not prohibit court-sanctioned post-adoption visitation between adopted persons and their natural parents and relatives, could have engendered a constitutional challenge, the challenge would not have been fatal to the entire bill. June 5, 1986, Op. Att'y Gen.

## Chapter 50. Uniform Anatomical Gift Act.

Section	Section
10. Persons who may execute an anatomical gift	30. Manner of executing anatomical gifts
14. Requests by hospitals for anatomical gifts	60. Rights and duties at death
16. Investigations by law enforcement and medical personnel	65. Regulations
	70. Definitions

### **Sec. 13.50.010. Persons who may execute an anatomical gift.**

(a) A person of sound mind who is 18 or more years of age may make a gift to take effect upon death, of all or a part of the person's body for a purpose specified in AS 13.50.020.

(b) When persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, any of the following persons, in order of priority listed, may give all or a part of the decedent's body for a purpose specified in AS 13.50.020:

- (1) the spouse;
- (2) an adult son or daughter;
- (3) either parent;
- (4) an adult brother or sister;
- (5) a guardian of the decedent at the time of death;
- (6) any other person authorized or under obligation to dispose of the body.

(c) The persons authorized by (b) of this section may make the gift after or immediately before death.

(d) If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee may not accept the gift. However, an anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.

(e) A gift of all or a part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(f) The rights of the donee created by the gift are superior to the rights of others except as provided in AS 13.50.060(d). (§ 1 ch 78 SLA 1972; am § 1 ch 43 SLA 1988; am § 1 ch 22 SLA 1991)

**Effect of amendments.** — The 1988 amendment substituted "18" for "19" in subsection (a).

The 1991 amendment, effective September 8, 1991, in subsection (d), added the second sentence.

**Sec. 13.50.070. Definitions.** In this chapter

(1) "bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts of them;

(2) "decedent" means a deceased individual, stillborn infant, or fetus;

(3) "donor" means an individual who makes a gift of all or a part of the individual's body;

(4) "gift" means an anatomical gift of all or part of a person's body;

(5) "hospital" means a hospital licensed, accredited, or approved under the laws of any state; or a hospital operated by the United States government, or a subdivision thereof, although not required to be licensed under state laws;

(6) "part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body;

(7) "physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state;

(8) "state" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States. (§ 1 ch 78 SLA 1972; am § 6 ch 43 SLA 1988)

**Revisor's notes.** — This section was reorganized in 1988 to alphabetize the defined terms.

**Effect of amendments.** — The 1988 amendment inserted paragraph (4).

**House Bill 323**

**Statement of Support/Opposition**

This bill is supported by Department of Health and Social Services and the Court.

No opposition is anticipated.

# Life Alaska, Inc.

Tissue Procurement Services

P.O. Box 230785

Anchorage, AK 99523-0785

(907) 562-5433

FAX 563-8824

Representative Cynthia Toohey  
State Capitol  
Juneau, AK 99801-1182


January 18, 1994

Dear Representative Toohey:

The people of Alaska are currently receiving nearly three hundred tissue transplants a year within the state. These include skin transplants for severe burns, corneal transplants, tendon transplants for knee and shoulder injuries, and bone transplants. Bone transplants have been used in Alaska for jaw reconstruction after bone cancer, saving a leg from amputation after bone tumor removal, repair of artificial hips and knees, trauma surgery by orthopedic and neurosurgeons, and dental repair by periodontists. Life Alaska is supplying heart-valves for pediatric and adult heart-valve transplant throughout the Northwest. Providence Hospital will begin transplanting heart-valves by this summer. As the only tissue donation agency based in Alaska, we are currently unable to meet the community's transplant needs in a timely manner. House Bill number 323 will be a terrific asset in providing more transplant tissue throughout Alaska.

For the last one and a half years, Life Alaska has been attempting to contact decedent families through the coroner's office. Because of Alaska's current restrictions on release of information contained on a death certificate, Life Alaska was not able to locate a next of kin or determine the medical suitability of donation for a majority of coroner's cases. Yet, of the thirty two families Life Alaska was able to reach, twenty six consented to tissue donation. Over 80% of the decedent families approached by Life Alaska were willing to give the gift of life and health to someone else. Nearly all of these families have indicated that donation was a source of comfort and support to them.

House Bill 323 will provide a rapid and effective way for Life Alaska to determine if there are any donation options, and be able to contact the grieving families as an information resource to offer the option of donation in a sensitive manner. Similar information sharing programs have been effective in Colorado, California, Texas, Missouri, and many other states. On behalf of all the families who are given the right to choose, and the recipient families who are given the gift of life and health, thank you for your support of this worthwhile project.

  
Jens Saakvitne  
Director

# METRO

ANCHORAGE DAILY NEWS

SECTION B

ADN  
8-16-93

MARK DOLAN / Anchorage Daily News

Jens Saakvitne said he has seen dramatic improvement in the availability of tissue since the start of Life Alaska.

## ANOTHER CHANCE AT LIFE



Photo courtesy Jens Saakvitne  
 pictured with his daughters Martha, right, who is in 4th year of medical school, and Rebecca, 22, who graduated from University this year.

### Tissue donation program keeps its focus on living

By NICOLE WONG  
 Daily News reporter

Jens Saakvitne called at 8:30 the morning after Joyce Burt's husband died. He has made many of these calls. It is always a bad time. It is always difficult.

"You need to think about funeral arrangements, he told Joyce. You need to think about what you want to do with Ray's body. One of the options you have is tissue donation.

"There is no wrong decision," Saakvitne assured her.

Ray Burt died from a heart attack two weeks ago at age 68. It was a surprise to Joyce, even though her husband had been in and out of the hospital for the last few months. But Ray had

always meant to donate his tissues and organs, so when Saakvitne called, she didn't hesitate.

Saakvitne is the director of Life Alaska Inc., a non-profit company that collects human tissue — primarily tendons, bones and corneas — for transplant. Before the establishment of Life Alaska in 1991, patients might wait months for a tissue that would restore their sight or the use of their limbs. Now, most tissues are available on demand.

Since May 1992, Life Alaska has had 78 donors from around the state, and placed about 125 tissues to those in need. Locally donated tissues are reserved for Alaska

Please see Page B-2, LIFE

## LIFE: Support given to families of deceased

Continued from Page B-1

use for 30 days, then the freeze-dried tissues are made available nationwide.

Ray Burt lost his left eye when he was 19 and serving in the U.S. Coast Guard at Ketchikan. Last week, his right cornea was transplanted to an 89-year-old Los Angeles woman. The woman is reportedly healing very well.

"Since he only had the one eye, I'm certain that Ray would want someone else to have the other if they could use it," Joyce said.

In Saakvitne's 14 years working for organ and tissue banks in Colorado, New York and now Alaska, he has seen homicide victims, accident victims, people who suffered prolonged illnesses and those who collapsed without warning.

But while keeping company with the dead, Saakvitne remains keenly focused on the living. He devotes his attention to the widow or widower, the children, and the person — possibly thousands of miles away — who needs a heart valve, a new cornea or a bit of patellar tendon.

He must do all this to the tick of the clock. Human tissues have to be removed within 24 hours after death to be viable for transplant. Corneas, the strong refractive lenses of the eye, must be removed within 12 hours and transplanted within five days.

In the last year, Saakvitne has flown as far north as Fairbanks and as far south as Ketchikan to reach

the body in time.

But when he talks to the families of the deceased, Saakvitne tries to offer them as much as he seeks.

Saakvitne spends as many as 85 hours a week not only finding donors, but providing support for their families. He describes himself as a person who likes to help others in need.

Sitting in his small, paper-scattered office, Saakvitne talks about his job — the phone calls, the time pressure and the inevitable grief — with a quiet, but confident voice.

"I don't discuss recipients, or how many patients are waiting," Saakvitne said. "I think that's laying a guilt trip on them, and if they have regrets the next week then I haven't done anyone any good."

Saakvitne usually tells the families about the procedure of a coroner's investigation. They can expect to wait between 12 and 24 hours for the body to be released. They should be choosing a funeral home. They might want to contact one of several support services available for recent widows, widowers and children of the deceased. Saakvitne keeps a list on hand.

"Jens was very helpful about explaining things you need to be thinking about, because you're not thinking very clearly," Joyce Burt said.

Saakvitne called her several times on the day after her husband's death. He offered to pick up hospital papers she needed to sign,

and asked if she would be all right until her daughters arrived from the Lower 48.

"I could have called him and he would have done most anything I asked," Joyce said.

While some people are uncomfortable with the idea of human tissue and organ donation, Saakvitne said nearly 80 percent of the families he has called over the last year have agreed to the donation. None of the families he's called — even the ones who decline to donate — has ever gotten angry, Saakvitne said.

Burt said she and her husband had often discussed organ and tissue donation, particularly since their eldest daughter had entered medical school. But when Ray died, no one at Providence Hospital mentioned donation, even though federal and state laws require families to be given that option.

"I didn't know what the rules were," Joyce said. "Because they don't ask, you think everyone is trying to be nice. You think they're too nice to say that they don't want to use your loved one's parts."

Saakvitne contacted Joyce after seeing the coroner's report on Ray's death the following day. Daily review of local coroner's reports is how Saakvitne locates most donors.

"I'm calling to offer this free service of information ... and some compassion. Everything I do is aimed at the family's needs," Saakvitne said. "Still it does amaze me, the number of families that say yes."

But while most families have been receptive to the idea of donation so far, the rest of society isn't, said Dr. David A. McGulre, an orthopedic surgeon who was a founding director of Life Alaska.

"There's a certain amount of unawareness among ER doctors, police, paramedics, legislators — the whole spectrum of society," McGulre said. Yet tissue transplant is being used more often, and more safely, than ever before, he added. Life Alaska has made tissues available for those patients who choose transplants as a medical option.

Saakvitne goes over the medical history of each donor, then he and a surgical team remove the viable tissues in a hospital operating room. The body is restored so that an open-casket funeral is possible if the family wishes.

"Sometimes in talking with families I become so involved with their pain that I will be in tears at the end," Saakvitne said.

The most difficult cases are often the ones where a child has died. Last week, Saakvitne sat down with the parents of a young girl who died in a car accident. He told them a piece of her heart valve had been transplanted to another child who was now expected to live a normal, healthy life.

"My voice kept breaking," Saakvitne said. "There's nothing you can do to make it OK, but I like to think that I helped just a little bit."



# ALASKA STATE MEDICAL ASSOCIATION

4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

FEB 3 1994

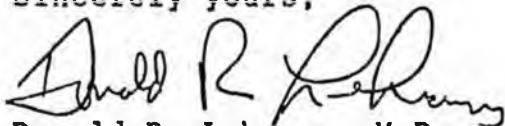
January 28, 1994

Rep. Cynthia Toohey  
Alaska State Legislature  
P. O. Box V (MS3100)  
Juneau, AK 99811

Dear Representative Toohey:

The Legislative Affairs Committee of the Alaska State Medical Association recently discussed your House Bill 323 regarding organ donation. This bill will make it easier for much needed donor organs to be made available for those in need. This bill would certainly benefit the health and welfare of Alaskans. We give this bill our strong support. If I can be of any assistance to you in its passage, do not hesitate to contact me.

Sincerely yours,



Donald R. Lehmann, M.D.  
Chairman, Legislative Affairs Committee  
President, Alaska State Medical Association

CC: Byron Mallot

H B

3	2	4
3	2	5
3	2	7
3	2	8

HOUSE COMMITTEE REPORT

(7) Date Referred: March 9, 1994 FURTHER REFERRALS: Finance

Date of Committee Action: 3-31-94

The JUDICIARY Committee considered: HB 524

HOUSE BILL NO. 524 ARREST FOR VIOLATING RELEASE CONDITIONS

"An Act relating to a defendant's violation of conditions of release; and providing for an effective date."

RECOMMENDATIONS: [ ] the same title be replaced with HB 524 [ ] a new title

[ ] have attached amendments(s)

(4) [x] do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: JUDICIARY letter of Intent

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

[x] fiscal impact Corrections [ ] fiscal note(s)

[x] zero fiscal note PD/Dpt of Law/Prob Ser [ ] zero fiscal note(s)

Table with columns: SIGNING DO PASS, DP, OTHER RECOMMENDATIONS, DNP, NR, AM. Includes handwritten signatures and checkmarks.

Chairman's Signature: Brian D. Porter CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

Referred: March 9, 1994

FURTHER REFERRALS:

Finance

of Committee Action: 3-31-94

JUDICIARY Committee considered:

HB 525

HOUSE BILL NO. 525

CHARACTER EVIDENCE IN CRIMINAL TRIALS

Act amending Alaska Rule of Evidence 404, relating to the admissibility of certain character evidence in proceedings."

RECOMMENDATIONS:

the same title

is replaced with HB 525

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note Law/Prob Sec/CPA/PD

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>		<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

*[Signature]*

CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 9, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-31-94

The JUDICIARY Committee considered:

HB 527

HOUSE BILL NO. 527

EXTENDED PROBATION FOR CERTAIN CRIMES

"An Act relating to the maximum period of probation after conviction for certain offenses."

RECOMMENDATIONS:

be replaced with HB 527

the same title  
 a new title

have attached amendments(s)

(4)  do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note Pub Safety, Dept of Law, Corr.

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Pete Kott</i>	X	<i>Joseph [Signature]</i>			
<i>Janette James</i>	✓				
<i>David Porter</i>	✓				
<i>Jim Nardone</i>	✓				

*Kim [Signature]*

HOUSE COMMITTEE REPORT

Date Referred: March 9, 1994

FURTHER REFERRALS:

Date of Committee Action: 3 31 94

The JUDICIARY Committee considered:

HB 528

HOUSE BILL NO. 528

PEREMPTORY CHALLENGE OF JURORS

An Act amending Alaska Rule of Criminal Procedure 24(d) relating to peremptory challenges of jurors in felony criminal proceedings."

RECOMMENDATIONS:

to be replaced with HB 528  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 \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note Pub Sch / Dpt Law / OPA / Pub Def.  zero fiscal note(s) \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>Tim Ponder</i>	<input checked="" type="checkbox"/>				
<i>Brian Porter</i>	<input checked="" type="checkbox"/>				
<i>Janette James</i>	<input checked="" type="checkbox"/>				
<i>Peter Kott</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

*Brian Porter*  
CHAIRMAN'S SIGNATURE

**BEFORE THE HOUSE JUDICIARY COMMITTEE**

(Wednesday, March 30th, 1994)

**FIVE NEW LAWS TO**

**COMBAT VIOLENCE AGAINST ALASKA'S WOMEN AND CHILDREN**

In the State of the State Address, the Governor launched a new initiative designed to combat the crimes that most threaten the safety of Alaska's women and children -- domestic violence, stalking, rape, and child abuse.

At the core of this initiative are five new bills designed to level the playing field. All told, three of the five proposals will work directly to help protect the victims of domestic violence, stalking, rape, and child abuse -- and in many cases, to prevent new crimes from actually occurring.

These three bills would:

**HB 524**      **Help to Promptly Arrest Stalkers and Wife Beaters Who Violate Bail**

**HB 525**      **Amend the Rules of Evid. so that Rape Victims Aren't Put on Trial**

**HB 527**      **Increase Probation to Protect Abused Kids for 10 Years -- Not Just 5**

In addition, two additional bills would serve to provide new protections for all victims of crime -- including, of course, victims of domestic violence, rape and child abuse. <sup>1</sup>

These two additional bills would:

**HB 523**      **Put More Police and Troopers on the Street by  
Allowing Police Hearsay Testimony in the Grand Jury**

**HB 528**      **Give Prosecutors and Defendants an Equal Number of Jury Challenges**

---

<sup>1</sup> **A Two-Thirds Vote:** Three of the five proposals involve Court Rules changes, which, under the law, would require a two-thirds vote in each house in order to pass. The three bills which would require a two-thirds vote are **SB 523**, **putting more cops on the street by allowing police hearsay in the grand jury**; **HB 525**, **amending the Rules of Evidence so that rape victims aren't put on trial**; and **HB 528**, **giving prosecutors and defendants an equal number of peremptory challenges during jury selection.**

## **THE PROBLEM: RAPE, DOMESTIC VIOLENCE, AND CHILD ABUSE**

On a per capita basis, Alaska has one of the highest rates of rape, domestic violence, child abuse and sexual abuse in the nation. Not only are these cases among the most difficult and sensitive that we prosecute, they are also among the most devastating in terms of the outrage, grief and emotional trauma they inflict on victims, families and entire communities.

The offenders in these cases are some of the most deserving of aggressive prosecution. They are cowards who prey on Alaska's most vulnerable victims: children, the elderly, and women who are incapacitated or impaired by fear, physical disability, alcohol, family relationship or other factors.

The problem of domestic and sexual violence in Alaska cuts across all boundaries of race, culture, economic status, educational background and other demographic factors. It is acute both in urban Alaska and in remote, rural areas.

## **THE SOLUTION: FIVE NEW LAWS TO FIGHT SEXUAL, FAMILY & DOMESTIC VIOLENCE**

Alaska needs to give our police and prosecutors the tools they need to do the job. The recent passage of the Anti-Stalking law, the law permitting HIV Testing for accused sex offenders, and Speaker Barnes' Sex Offender Registration law all demonstrate that there is broad legislative support for new laws to combat violence against women and children.

Here are the five new proposals:

- (1) **HB 524: ARRESTING STALKERS AND WIFE BEATERS WHO THREATEN THEIR VICTIMS WHILE OUT ON BAIL**

As the new anti-stalking law has proved, it's simply not enough to put laws on the books that only allow police to come in and mop up after a woman has already been victimized.

Protecting Alaska's women from stalkers and domestic violence means that police have to have the ability to act -- to intervene -- and to do so immediately.

Here's the problem:

In domestic violence cases, the accused often is released on bail. In many cases this is appropriate: often the defendant is a first-time offender, the conduct alleged is only a misdemeanor violation, and, quite obviously, the State simply doesn't have the prison

space to lock up every man who is accused of domestic violence before he is even found guilty.

Nevertheless, when her attacker is out on bail, the abused woman is often at risk. Tragically, inevitably, what often happens is this:

Despite the order by the Court that he have no contact with the victim, the defendant returns to the home of the wife or girlfriend he's accused of attacking. Often it is late at night. Often, both alcohol and anger are involved.

There's a knock or a shout or a broken window. Words are exchanged. Terrified, the abused woman desperately calls 911. The police race to respond. Sirens blare. But by the time they arrive, predictably, the defendant has fled the scene. And since the police didn't see him violate bail with their own eyes, they can only make an arrest if, in the middle of the night, they are able to reach a prosecutor and a judge to issue the appropriate warrant.

This can take hours. And in the meantime, an accused criminal, angry and often drunk, remains at large. And one frightened woman will have a terrifying night as she is told, once again, that there is little that the police can do.

That's not good enough. Alaska's police need the ability to act.

The Governor's proposal would permit police to promptly arrest accused stalkers and other offenders who return to confront their victims. The draft amendment to AS 12.25.030 would authorize the warrantless arrest of persons who have violated conditions of release in domestic violence and rape cases, to the same extent that warrantless arrests are already authorized under existing Alaska law for the initial commission of these same offenses.

(2) HB 525:      AMEND THE RULES OF EVIDENCE SO  
THAT RAPE VICTIMS AREN'T PUT ON  
TRIAL

The draft legislation seeks to level the playing field by amending the rules of evidence so that rape victims aren't put on trial.

Here's the problem:

It used to be more common that, in rape cases, the defendant often claimed that the rape simply didn't happen -- that no sexual contact took place. Thankfully, today, scientific advances in both the gathering and analysis of forensic evidence such as human hair, blood, semen, skin scrapings, and DNA have often made it much more difficult for accused rapists to use the "we never had sex" defense.

Among other effects, this may have contributed to the apparent increase in the number of rape cases in which the defendant -- while perhaps conceding that sexual contact did take place -- attempts to put the rape victim on trial by claiming that the woman "consented" to sex.

In cases such as this -- when the rapist claims the defense of "consent" -- the rules should permit the State to stand up for the victim, and to rebut this claim by introducing evidence of the defendant's prior sexual assaults.

### The Case of Leo Hoffman

Consider, for example, the recent case of Leo Hoffman, a vicious serial rapist who was convicted of raping two women in California. He served hard time for rape in San Quentin. Then, not long after his release, he moved to Alaska and began to prey on women here.

He was charged in Alaska with kidnapping a local woman, forcibly injecting her with drugs, and repeatedly raping her in a horrifying, 12-hour ordeal. She finally escaped, donning her attacker's clothes, and fled ragged and in tears to a nearby business, where she immediately reported the rape to police.

As with many rape victims -- who are often selected by sexual predators precisely because of their vulnerability -- Hoffman's first Alaska victim was especially vulnerable due to suffering from chemical dependency. Hoffman declared that he would put the victim on trial by claiming that she had voluntarily participated in consensual sex -- a claim that could easily have been refuted by evidence of his convictions for past rapes.

Unfortunately, under current Alaska law, the jury would never learn the truth about Hoffman's prior rapes. Instead, Hoffman successfully hid behind the loophole in Alaska law that keeps prior rapes out, even where the defendant claims "consent."

Ultimately, Hoffman was convicted by a jury only of the one charge to which he had, in essence, confessed: possession of the cocaine that he was accused of injecting into his victim. Incredibly -- even after his conviction for this Class C felony -- the judge allowed Leo Hoffman out on bail, pending his appeal.

And last year, while out on bail, Leo Hoffman was again arrested, and charged with assaulting not one but two more innocent Alaska women.

To protect Alaska's women, it's long past time to close this dangerous legal loophole.

### Abused Women Need Protection, Too

Similarly, in cases of domestic violence and other violent assaults -- such as cases involving a self-defense claim in which the defendant himself places the victim's character in issue -- a level playing field means that the State should also be permitted to introduce evidence of the defendant's own reputation for violence.

The attached draft proposes a pair of amendments to Evidence Rule 404 that can protect not only victims of rape, but also victims of domestic violence, in the kinds of situations described above.

### Protecting Alaska's Kids from Serial Predators

The Administration has also proposed that we delete the unnecessary language in Rule 404 that has made it difficult to prosecute repeat child molesters. As it reads now, the Rule has been erroneously interpreted by some judges to indicate that the jury can learn that an accused molester has abused other children only if the court finds that it was part of a particular "common scheme or plan."

Let's say, for example, that a child molester was convicted in Seattle of sexually abusing his own foster children. Then after getting out of prison, he comes to Alaska and takes a job at a day care center, where he again abuses the children in his care.

It may seem self-evident to some that having sex with children, whether one's own kids or whether children left in Day Care, would be part of a "common scheme or plan." But the rulings of some Alaska courts suggest otherwise. They would suggest that, on facts such as those presented in this example, there is actually evidence of two different schemes -- one designed to have sex with one's own children, and one designed to have sex with other people's children.

Erroneous interpretations such as these have prevented Alaska juries from learning the true facts about accused child molesters. The language in the Rule is confusing and has placed unnecessary constraints on sex abuse cases in many Alaska courts. Therefore, the phrase "common scheme or plan" should be deleted from Rule 404(b)(2).

(3) HB 527: INCREASE PROBATION TO PROTECT ABUSED KIDS FOR 10 YEARS -- NOT JUST 5

Among other benefits, this simple proposal would help protect Alaska's children and others from family violence. For example, right now many convicted child abusers or molesters finish serving their prison sentences while their own young children (who are most at risk from repeat violence) are still children. Because current law limits probation

to only five years, the courts only have a maximum of five years of "control" over a released felon.

Our prisons don't have enough money to lock up all these offenders forever. But by simply extending the allowable period of probation to up to 10 years for all felony offenses, we can give the courts the tool they need to "hang a hammer" over the head of released child abusers for a long, long time -- long enough for most of their kids to grow up and become safe, independent adults -- and do so without the more expensive costs of full-time incarceration. In property crimes cases, extending probation can also be revenue positive by increasing the State's ability to collect restitution.

Proposals like this have been pending in the legislature during the past several years, sponsored by Sen. Donley and others. It is supported by both prosecutors and defense lawyers, and should be acted upon this Session.

**CLOSING THE LOOPHOLES:**  
**TWO ADDITIONAL LAWS TO COMBAT ALL VIOLENT CRIME**

**(4) HB 523: PUT COPS BACK ON THE STREET -- PERMIT THE USE OF POLICE HEARSAY TESTIMONY BEFORE THE GRAND JURY**

In Alaska's federal courts, the case agent on a particular case simply comes before the grand jury, and testifies about the full scope of what was learned during the course of an investigation. If 12 agents were involved, they don't call all 12 in before the grand jury. They just call in one case agent -- and leave the other 11 free to be out on the street fighting crime.

Not so in Alaska's state courts. Because hearsay is generally not allowed in the grand jury, the lead police or trooper investigator cannot simply testify about what he or she learned from fellow cops. They can't even tell the grand jury about what they heard over the radio --the police dispatcher has to be called off the job and into court to testify about it in person.

As the federal courts in Alaska routinely prove, this expensive and unnecessary rule does absolutely nothing to protect the constitutional rights of Alaska's citizens. All it does is pull dozens of cops and troopers off patrol every month. They cool their heels in the D.A.'s office or the courthouse, invariably spending many wasted hours simply waiting around to testify.

The language in Criminal Rule 6(r)(1), which presently prohibits virtually all hearsay testimony in the grand jury, should be amended to permit peace officers to testify as to what their fellow officers saw or heard. Even without additional police funding, this

simple, constitutional rule change can reduce grand jury costs to the state -- and at the same time free up more police. Let's save money and put Alaska's police and troopers back out on the street, fighting crime.

(5) HB 528:     LEVEL THE PLAYING FIELD: GIVE  
                  PROSECUTORS AND DEFENDANTS AN  
                  EOUAL NUMBER OF JURY CHALLENGES

During jury selection -- in all rape, domestic violence and other felony trials -- criminal defense lawyers are permitted to pre-empt ten jurors they consider unfavorable to their case, while prosecutors only are permitted to challenge six.

It's time to level the playing field. Alaska's laws should be brought in keeping with national standards -- and, at least initially, provide both sides with the same number of challenges. Acting to level the playing field in this way would not serve to deprive any defendant of the protections already afforded under Alaska law. Under the proposed Rule, Alaska's courts would continue to have the option of granting defendants additional challenges in cases where it is merited.

---

Taken together -- and taken in conjunction with other landmark legislation such as the sex offender registration bill, the HIV testing bill, the conspiracy bill, and the juvenile waiver bill -- these five proposals can provide the Legislature with a unique opportunity to strike a real blow against crime, as well as to protect Alaska's most vulnerable citizens.

# Anchorage Daily News

PRICE 50 CE

ANCHORAGE, ALASKA, WEDNESDAY, MARCH 23, 1994

VOL XLIX, NO 82 76 PAGES

## Crime bills

Gov. Wally Hickel is backing a package of bills aimed at making it easier to prevent and prosecute crimes against women and children. The four core proposals are worth supporting, but will work only if the legislature provides enough funds to enforce them.

Two are proposals no one should object to. One would increase probation for convicted child molesters from five years to 10 — a proposal Sen. Dave Donley has championed for years.

A second would allow police to make prompt arrests in domestic violence and stalking cases when the person accused of the crime is violating bail terms. This proposal merely closes a loophole, since such warrantless arrests already are allowed when these offenses are first committed.

A third bill would make Department of Motor Vehicle information private so that a stalker cannot use those records to track a victim's address.

The fourth would amend the rules of evidence to allow testimony about prior convictions of sexual assault to be included in a rape trial if the accused rapist argues as his defense that the woman consented to having sex. (See the editorial below for more about this proposal.)

Two more of the governor's proposals — permitting the use of police hearsay testimony before grand juries and giving prosecutors and defendants an equal number of jury challenges — probably warrant more discussion in the legislature.

But before any of these changes can have an effect, the legislature has to make sure being tough on crime is not just a matter of talking tough.

From the crime-fighting side to services for victims to crime prevention, funding is suffering.

Take prosecution of accused rapists. The number of sexual assaults reported statewide have doubled in the past three years, yet the number of cases prosecuted has remained virtually the same — and that number is low. Without adequate staffing, violations of restraining orders in cases of domestic violence go unprosecuted as well.

We can talk all we want about locking people up, the House finance subcommittee is recommending a 5 percent cut for corrections at the same time incarcerations are up 11 percent. This does not compute.

Victims' services are, at best, holding even, in the subcommittee recommendations, thanks to the efforts of Sen. Sean Parnell, though the number of people they're serving keeps going up. But the governor's budget recommends a cut in social services block grant money for the third year in a row.

And the House finance subcommittee is recommending cutting \$8 million from substance abuse programs statewide, when alcohol and substance abuse is a factor in countless cases of sexual violence.

We know there is never enough money to go around, at least not any more. All we're saying is be careful what gets cut. And remember that tough talk on crime is only talk if tough actions aren't funded.

TODAY'S  
DAILY NEWS  
EDITORIAL  
ENDORSED

S.B. 24, HB 527

S.B. 350, HB 524

S.B. 351, HB 525

AND  
S.B. 352  
HB 526

S.B. 24  
HB 527

S.B. 350  
HB 524

S.B. 352

S.B. 35  
HB 525

# Anchorage Daily News

XLIX, NO 82 76 PAGES

ANCHORAGE, ALASKA, WEDNESDAY, MARCH 23, 1994

PRICE 50 CE

## Consent?

*Then consider past convictions*

It's shameful but true that the victims of rape, at least until fairly recently, were as likely to be put on trial as their accused rapists. A favorite defense against rape was to go over the victim's past sexual relationships and behavior, drawing on stereotypes that women who get raped must have asked for it.

Recent reforms have included so-called rape shield laws, designed to put the focus back on the defendant by limiting what can be asked about the rape victim's sexual history.

But there's a way around the rape shield law. That's to argue consent as a defense. The woman, this defense goes, may be crying rape now but she actually consented to having sex. So judges once again allow the woman's life to become an open book, as lawyers argue over whether she would have consented to sex.

As for the accused rapist, his past remains a secret, even if he's been convicted of rape before. Evidence of "prior bad acts" is generally barred at trial because it could bias the jury.

One of Gov. Wally Hickel's crime proposals would amend the rules of evidence to allow such testimony. Criminal defense lawyers say such legislation, if passed, will be challenged in court as unconstitutional.

We say, let them challenge it.

The new rule would only kick in if the defendant uses consent as a defense and has a prior conviction for sexual assault. Last time we checked, it takes at least two people to have consensual sex. If the prior acts of the woman are to be considered, then the prior acts of the man should be as well.

TODAY'S  
DAILY NEWS  
EDITORIAL  
ENDORSED  
S.B. 351  
HB 525



Tom Fink, Mayor

# ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 786-8500



Service since 1921

March 11, 1994

To The Alaska State Legislature:

Those of us in the law enforcement community for many years have felt that the rights of victims are overlooked in our legal system. Too often, the victims are helpless not only during the crime itself, but are again victimized by loopholes that prevent aggressive prosecution. The Anchorage Police Department supports the four new laws proposed by Governor Hickel aimed at protecting women and children because many of these injustices would be corrected.

We additionally can find no argument against modifying the use of police hearsay testimony in state trials to be consistent with that allowed in federal trials. This modification should make a significant impact in lowering Anchorage Police Department overtime costs for court appearances.

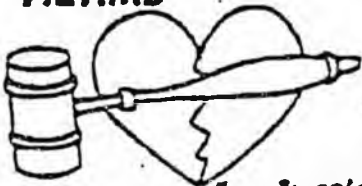
The State of Alaska should also conform with national standards in both the prosecution and defense having the same number of jury challenges. The current law only reinforces the belief that the courts offer more protection to the criminal than the victim.

We feel that these six proposed laws will help to balance a system that has traditionally focused on protecting the rights of wrongdoers, rather than the innocent.

Sincerely,

Duane S. Udland  
Deputy Chief of Police

**VICTIMS**



**for Justice**

March 7, 1994

The Honorable Walter J. Hickel  
Office of the Governor  
P.O. Box 110001  
Juneau, Alaska 99811-0001

Dear Governor Hickel,

The goal for all victims of violent crime is to eliminate victims of crime. The theme of the 1994 National Victims Rights Week is "Facing Violence Today; Fewer Victims Tomorrow". The six new laws to combat violence against Alaska's women and children that you have introduced is putting the teeth into this goal of fewer victims. How appropriate for your crime ideals to coincide with the concerns of the whole nation. Thank you for caring. Now it is time for the legislators to pass this very important legislation we can prevent further victimization of women and children:

Sincerely,

A handwritten signature in cursive script that reads "Janice Lienhart".

Janice Lienhart

# ALASKA PEACE OFFICERS ASSOCIATION



Anchorage Chapter  
P. O. Box 103824  
Anchorage, AK 99510  
Phone \_\_\_\_\_

March 7, 1994

The Honorable Walter J. Hickel  
Office of the Governor  
P.O. Box 110001  
Juneau, Ak. 99811-0001

Dear Governor Hickel:

On behalf of the Anchorage Chapter of Alaska Peace Officers Association I would like congratulate you for introducing the new Anti-crime initiative which will combat violence against women and children in Alaska.

The new initiative is a tool which will greatly aids police officers in preventing domestic violence and sexual assault, and will give prosecutors the necessary means to prosecute offenders to the full extent of the law.

Any anti-crime bill that will help protect our women and children will be an asset to law enforcement in the state and the Anchorage Chapter of A.P.O.A. is glad to lend our support.

Sincerely Yours,

John Charbonneau, President  
(907) 277-8638

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# ALASKA NETWORK

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ON

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# DOMESTIC VIOLENCE

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AND

---

# SEXUAL ASSAULT

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419 6th Street, No. 116 • Juneau, Alaska 99801 • (907) 586-3650

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Abused Women's Aid in Crisis (AWAIC); Advocates for Victims of Violence (AVV);  
Aiding Women in Abuse and Rape Emergencies (AWARE);  
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);  
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter  
Kodiak Women's Resource & Crisis Center (KWRC);  
Moriak Regional Women's Crisis Program; Parent Aid Family Support Center  
Safe & Fear-Free Environment (SAFE); Seward Life Action Council (SLAC);  
Sikani Against Family Violence (SAFV); South Peninsula Women's Services (SPWS);  
Standing Together Against Rape (STAR);  
Tongass Community Counseling Center; Tundra Women's Coalition (TWC);  
Unalaskans Against Sexual Assault & Family Violence (USAASFV);  
Valley Women's Resource Center (VWRC);  
Women in Crisis Counseling & Assistance (WCCA);  
Women in Safe Homes (WSH); Women's Resource & Crisis Center (WRCC);

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## SENATE BILL 24

The Alaska Network on Domestic Violence supports Senate Bill 24, which provides judges with the ability to order probation for up to ten years after an offense. The Network is a non-profit coalition of 22 organizations throughout Alaska which work with victims of domestic violence and sexual assault.

Alaska has a very high rate of violent crime, including one of the highest rates of assault and sexual assault in the nation. These crimes in Alaska are on the increase. Reported rapes in Alaska rose 91% from 1989 to 1991 (277 in 1989 to 530 in 1991). The number of assaults per one thousand persons has increased over 57% in the last five years.

National studies have shown that sex offenders have 80-90% rates of recidivism, and that the risk of reoffending does not diminish over time. Current probation limits are insufficient and counterproductive in keeping track of this group of offenders, who need to be monitored over a long period of time. Senate Bill 24 would give judges greater flexibility in tailoring appropriate sentences.

**GOVERNOR HICKEL'S  
BILL TO PUT POLICE BACK ON THE STREET  
(SB 349 & HB 523)**

This bill will put Alaska's police back on the street by amending Criminal Rule 6(r) to allow one police officer to testify at grand jury as to what their fellow officers heard, said, or did in the course of a criminal investigation. This will reduce the number of officers that are routinely tied up in court when a case is presented to a grand jury.

In Alaska's federal courts, the lead agent on a particular case simply comes before the grand jury, and testifies about the full scope of what was learned during the course of an investigation. If twelve FBI agents were involved, they don't call all twelve agents in before the grand jury. They just call in the lead agent--and leave the other eleven free to be out on the street fighting crime.

Not so in Alaska's state courts. Because hearsay is generally not allowed in the grand jury, the lead police or trooper investigator cannot simply testify about what he or she learned from fellow cops. They can't even tell the grand jury about what they heard over the radio--all of their fellow cops have to be called off the job and into court to testify about it in person.

As the federal courts in Alaska routinely prove, this expensive and unnecessary rule does absolutely nothing to protect the constitutional rights of Alaska's citizens. All it does is pull dozens of cops and troopers off patrol week in and week out. They cool their heels in the D.A.'s office or the courthouse, invariably spending many wasted hours simply waiting around to testify.

The language in Criminal Rule 6(r)(1), which presently prohibits virtually all hearsay testimony in the grand jury, should be amended to permit peace officers to testify as to what their fellow officers saw or heard. This simple, constitutional rule change can reduce grand jury costs to the State--and at the same time free up more police. Let's save money and put Alaska's police and troopers back out on the street where they belong--fighting crime.

file copy & ref

Law 0033

WALTER J. HICKEL  
GOVERNOR



P. O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

HB 523

March 9, 1994

The Honorable Ramona L. Barnes  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Barnes:

*Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that amends Alaska Rule of Criminal Procedure 6(r) to allow one peace officer, such as an Alaska state trooper or police officer, to testify at grand jury as to what another peace officer heard, said, or did in the course of a criminal investigation. This will reduce the number of peace officers that must be involved and required to testify when a case is presented to a grand jury, especially when the peace officers may have only played a minor role in the investigation.*

*In federal courts in Alaska, the lead case agent on a particular investigation simply comes before the federal grand jury and testifies about the entire scope of what was learned during the course of an investigation. If 12 law enforcement agents were involved, the federal court rules do not require all 12 agents to personally appear and testify before the grand jury. The federal rules allow for just one case agent to appear and testify before the grand jury -- leaving the other 11 agents available on the street to fight crime.*

*This is not the situation in Alaska's state courts. Because hearsay evidence is generally not allowed to be presented before the grand jury in criminal cases, the lead peace officer investigating the case cannot simply testify about what that officer learned from fellow officers conducting the investigation. The lead officer cannot even testify before the grand jury about what that officer heard over police radio -- the police dispatcher who made the particular radio transmission must be called into court to testify about the statement in person. It frequently takes many work hours to prepare, and to be present, to testify.*

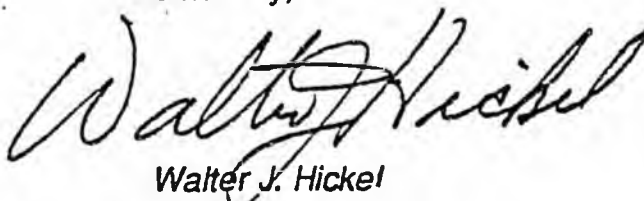
The Honorable Ramona Barnes  
March 9, 1994  
Page 2

As the federal courts in Alaska routinely prove, Alaska's hearsay rule does not provide any greater protection of the constitutional rights of Alaskans than does the federal practice. The present state court rule unnecessarily pulls dozens of peace officers off patrol every month simply to wait around to testify.

The language in Alaska Rule of Criminal Procedure 6(r), which presently prohibits virtually all hearsay testimony in the grand jury, should be amended to permit peace officers to testify as to what their fellow officers saw or heard -- for example, as to the contents of their fellow officers' official police reports. The state is presently facing a projected decline in revenue. This simple, constitutional, rule change can reduce grand jury costs to the state by allowing one officer, rather than many, to present the relevant evidence, at the same time freeing up nontestifying officers to do essential public protection duties. If this bill is enacted, we could save money and keep Alaska's police and troopers out on the street fighting crime, without affecting the quality of evidence presented to the grand jury.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

Walter J. Hickel  
Governor

**HOUSE BILL NO. 523**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**Introduced: 3/9/94**

**Referred: State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act amending Alaska Rule of Criminal Procedure 6(r) relating to  
2 admissibility of hearsay evidence by peace officers before the grand jury."

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

4 \* **Section 1. FINDINGS AND PURPOSE.** The legislature finds that existing court rules  
5 require each peace officer with essential information on a criminal investigation to personally  
6 appear before a grand jury to present evidence about the investigation. The legislature further  
7 finds that oftentimes an individual officer may have only a minor piece of evidence to present  
8 but court rules still require that officer to personally appear and testify even though the  
9 evidence could be presented by a supervising officer or other officer on the investigating team.  
10 The legislature also finds that this requirement takes peace officers away from other essential  
11 duties to protect the public. The legislature finds that the purpose of the amendment to Alaska  
12 Rule of Criminal Procedure 6(r) made by this Act is to allow the grand jury to be fully  
13 informed about the evidence available on a criminal case through testimony of lead peace  
14 officers, while allowing officers who played a minor role in the investigation not to personally

1 appear and testify so that they can continue to perform their vital duties on the street to protect  
2 the public.

3 \* Sec. 2. Alaska Rule of Criminal Procedure 6(r) is amended to read:

4 (r) ADMISSIBILITY OF EVIDENCE.

5 (1) Evidence which would be legally admissible at trial shall be  
6 admissible before the grand jury. In appropriate cases, however, witnesses may be  
7 presented to summarize admissible evidence if the admissible evidence will be  
8 available at trial. Except as stated in subparagraphs (2) and (3) [SUBPARAGRAPH  
9 (2)], hearsay evidence shall not be presented to the grand jury absent compelling  
10 justification for its introduction. If hearsay evidence is presented to the grand jury, the  
11 reasons for its use shall be stated on the record.

12 (2) In a prosecution for an offense under AS 11.41.410 - 11.41.440 or  
13 11.41.455, hearsay evidence of a statement related to the offense, not otherwise  
14 admissible, made by a child who is the victim of the offense may be admitted into  
15 evidence before the grand jury if

16 (i) the circumstances of the statement indicate its reliability;

17 (ii) the child is under 10 years of age when the hearsay  
18 evidence is sought to be admitted;

19 (iii) additional evidence is introduced to corroborate the  
20 statement; and

21 (iv) the child testifies at the grand jury proceeding or the child  
22 will be available to testify at trial.

23 (3) Hearsay evidence related to the offense, not otherwise  
24 admissible, may be admitted into evidence before the grand jury if

25 (i) the individual presenting the hearsay evidence is a peace  
26 officer; and

27 (ii) the hearsay evidence consists of the statements and  
28 observations made by another peace officer in the course of an  
29 investigation.

30 (4) In this section "statement" means an oral or written assertion or  
31 nonverbal conduct if the nonverbal conduct is intended as an assertion.

- 1 \* Sec. 3. This Act takes effect only if sec. 2 of this Act receives the two-thirds majority
- 2 vote of each house required by art. IV, sec. 15, of the Constitution of the State of Alaska.

# FISCAL NOTE

No. 2

Bill Version: HB 524

(H) Publish Date: 3/9/94

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act Relating to Defendant's Conditions of Release..." BRU: Public Defender Agency  
 Component: Public Defender Agency  
 Sponsor: \_\_\_\_\_  
 Requestor: Governor COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars.)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE (Thousands of Dollars.)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of current year (FY94) cost: none

**POSITIONS:**

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

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: John Salemi, Public Defender Phone: 264-4400  
 Division: Public Defender Agency Date: \_\_\_\_\_  
 Approved by Commissioner: Nancy Bear Usura Date: 2/17/94  
 Agency: Administration

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# FISCAL NOTE

No. 1  
 Bill Version: HB 524  
 (H) Publish Date: 3/9/94

STATE OF ALASKA  
 1994 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act relating to a defendant's violation of conditions of release BRU: Statewide Operations  
 Component: Institutions  
 Sponsor: Rules Committee  
 Requestor: Governor COMPONENT SERIAL NO. 707-726

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	11.3	11.6	12.0	12.3	12.7	13.1
<b>TOTAL OPERATING</b>	<b>11.3</b>	<b>11.6</b>	<b>12.0</b>	<b>12.3</b>	<b>12.7</b>	<b>13.1</b>

<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004-GF	11.3	11.6	12.0	12.3	12.7	13.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>11.3</b>	<b>11.6</b>	<b>12.0</b>	<b>12.3</b>	<b>12.7</b>	<b>13.1</b>

Estimate of any current year (FY94) cost: \$ \_\_\_\_\_ \*

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Diane Schenker, Special Assistant  
 Division: Office of the Commissioner  
 Approved by Commissioner: J. Frank Prewitt, Jr.  
 Agency: Department of Corrections

Phone: 465-4643/786-2147  
 Date: 2/25/94  
 Date: 2/25/94

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**COMMITTEE COPY**

The bill would authorize warrantless arrests of certain defendants who violated conditions of bail in certain assault, sexual assault, stalking, and domestic violence cases. According to the District Attorney's office and information from the Anchorage Police Department, getting warrants under current law generally involves a one-day delay.

Assumptions

1. The Anchorage District Attorney's office estimates 100 cases per year, statewide, and estimates that each case will result in one additional day of incarceration.
2. The average cost of incarceration, statewide, in a state correctional center is approximately \$113 per day.
3. It is not possible to estimate any current year (FY94) costs until the department knows when the bill will actually go into effect.
4. Because the bill will impact all correctional institutions, and the average daily cost of incarceration reflects a combination of costs including overhead, the estimated expenses are shown under "miscellaneous."
5. An inflation factor of 3% is assumed after FY95.

Operating Expenses

100 cases per year X 1 day per case X \$113 per day = \$ 11,300 per year.

FISCAL NOTE

No. 5  
 Bill Version: HB 524  
 (H) Publish Date: 3/9/94

STATE OF ALASKA  
 1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994  
 Title: "An Act relating to a defendant's violation of conditions of release:..."  
 Sponsor: Rules/B; Request of Governor  
 Requestor: Governor's Office

Department Affected: Department of Law  
 BRU: Prosecution  
 Component: All  
 COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY94) 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: February 15, 1994  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law Date: February 15, 1994

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COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. \_\_\_\_\_

ANALYSIS CONTINUATION:

This bill amends AS 12.30 to allow police officers to act quickly to arrest, without warrant or order, defendants who are released on bail, when those peace officers have reasonable cause to believe that the defendant has confronted the victim or has otherwise violated conditions of release. Currently, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are limited in their ability to protect the victim or the public in general because they cannot make an immediate arrest. Generally, the peace officer must first meet with a prosecutor, go into court to make a motion to remand, and obtain a court order before they can act to put the defendant back in jail. Because a substantial number of these incidents involve repeat offenders who often are impaired by alcohol or drugs, this lengthy procedure is particularly dangerous for the public, especially those already victimized by the defendant. The Department of Law does not anticipate a fiscal impact because, in most cases, the bill will speed up the process of arrest, and it will not increase the number of arrests.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL 4  
Bill Version: HB 524  
(H) Publish Date: 3/9/94

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
Title: Defendant's Conditions of Release BRU: Statewide  
Sponsor: Rules by Request Component: \_\_\_\_\_  
Requestor: Governor COMPONENT SERIAL NO. \_\_\_\_\_

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Lee Ann Lucas Phone: 465-4322  
 Division: Office of the Commissioner Date: 2/16/94  
 Approved by Commissioner: *Richard L. Burton* Date: **COMMITTEE COPY**  
 Agency: Richard L. Burton, Dept. of Public Safety

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# FISCAL NOTE

No. 3  
 Bill Version: HB 524  
 (H) Publish Date: 3/9/94

STATE OF ALASKA  
 1994 LEGISLATIVE SESSION

BILL

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act Relating to Defendant's Conditions of BRU: Office of Public Advocacy  
Release..." Component: Office of Public Advocacy  
 Sponsor: \_\_\_\_\_  
 Requestor: Governor COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of current year (FY94) cost: none

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684  
 Division: Office of Public Advocacy Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usura Date: 2/12/94  
 Agency: Administration

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**GOVERNOR HICKEL'S  
BILL TO ARREST STALKERS AND WIFE  
BEATERS  
(SB 350 & HB 524)**

As the new anti-stalking law has proved, it's simply not enough to put laws on the books that only allow police to come in and mop up after a woman has already been victimized. Protecting Alaska's women from stalkers and domestic violence means that police have to have the ability to act--to intervene--and to do so immediately.

Here's the problem: When an attacker is out on bail, the victim is often at risk. Tragically, inevitably, what often happens is this:

Despite the order by the Court that he have no contact with the victim, the defendant returns to the home of the wife or girlfriend he's accused of attacking. Often it is late at night. Often, both alcohol and anger are involved.

There's a knock or a shout or a broken window. Words are exchanged. Terrified, the abused woman desperately calls 911. The police race to respond. Sirens blare. But by the time they arrive, predictably, the defendant has fled the scene. And since the police didn't see him violate bail with their own eyes, they can only make an arrest if, in the middle of the night, they are able to reach a prosecutor and a judge to issue the appropriate warrant.

This can take hours. And in the meantime, an accused criminal, angry and often drunk, remains at large. And one frightened woman will have a terrifying night as she is told, once again, that there is little that the police can do.

That's not good enough. Alaska's police need the ability to act.

The Governor's proposal would permit police to promptly arrest accused stalkers and other offenders who return to confront their victims. The draft amendment to AS 12.25.030 would authorize the warrantless arrest of persons who have violated conditions of release in domestic violence and rape cases, to the same extent that warrantless arrests are already authorized under existing Alaska law for the initial commission of these same offenses.

WALTER J. HICKEL  
GOVERNOR



P. O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500

Law 0034  
HB 524

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 9, 1994

The Honorable Ramona L. Barnes  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Barnes:

*Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would allow peace officers to make warrantless arrests when they have reasonable cause to believe that a defendant is violating the conditions of release imposed by a court in certain types of cases, including stalking, assault, sexual assault, and domestic violence cases. The bill would allow peace officers to take immediate action to protect the public, rather than requiring that they contact a prosecutor and a judge before arresting the defendant.*

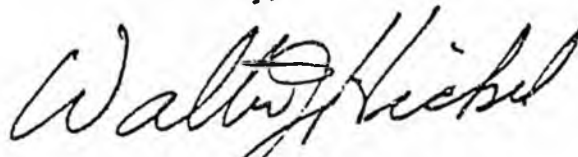
*For example, if a person accused of stalking, domestic violence, assault, or sexual assault confronts the victim while the person is released on bail, or violates another condition of release, peace officers are rarely able to protect the victim or the public in general by making an immediate arrest. Typically, the peace officer must first meet with a prosecutor, go into court to file a motion, and obtain a court order before they can act to put the defendant back in jail. Since a large percentage of these incidents occur late at night and often involve alcohol or drug use by the defendant, these situations are particularly dangerous for victims -- and challenging for peace officers, prosecutors, and judges.*

*The bill authorizes the warrantless arrest of defendants who have violated conditions of release imposed by the court for certain offenses to the same extent that warrantless arrests are already authorized under existing law for the initial commission of these same offenses. The bill would permit peace officers to promptly arrest accused stalkers and other offenders who confront their victims, or otherwise violate conditions of release, while on bail.*

The Honorable Ramona Barnes  
March 9, 1994  
Page 2

*Protecting Alaskans from stalkers and domestic violence requires giving peace officers the tools to act -- to intervene -- and to do so immediately. I urge your favorable action on this bill.*

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel". The signature is written in black ink and is positioned above the printed name and title.

Walter J. Hickel  
Governor

HOUSE BILL NO. 524

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a defendant's violation of conditions of release; and providing  
2 for an effective date."

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

4 \* Section 1. FINDINGS AND PURPOSE. The legislature finds that, under existing law,  
5 if a person accused of stalking, domestic violence, assault, or sexual assault confronts the  
6 victim while the person is released on bail, or violates another condition of release, peace  
7 officers are limited in their ability to protect the victim or the public in general because they  
8 cannot make an immediate warrantless arrest. The legislature finds that, generally, the peace  
9 officers must first meet with a prosecutor, go into court to make a motion to remand, and  
10 obtain a court order before they can act to put the defendant back in jail. The legislature  
11 further finds that, because a substantial number of these incidents involve repeat offenders  
12 who often are impaired by alcohol or drugs, this lengthy procedure is particularly dangerous  
13 for the public, especially those already victimized by the defendant. The purpose of this bill  
14 is to enable Alaska's police officers to act quickly to arrest, without warrant or order,

1 defendants who are released on bail, when those peace officers have reasonable cause to  
2 believe that the defendant has confronted the victim or has otherwise violated conditions of  
3 release.

4 \* Sec. 2. AS 12.25.030(b) is amended to read:

5 (b) In addition to the authority granted under (a) of this section, a peace officer  
6 without a warrant may arrest a person when the peace officer has reasonable cause for  
7 believing that the person has committed a crime under, or violated conditions  
8 imposed as part of the person's release before trial on misdemeanor charges  
9 brought under,

10 (1) AS 11.41.270 or AS 11.56.740; or

11 (2) AS 11.41, AS 11.46.330, or AS 11.61.120, or has violated an  
12 ordinance with elements substantially similar to the elements of a crime under  
13 AS 11.41, AS 11.46.330, or AS 11.61.120, when the victim is a spouse or former  
14 spouse of the person who committed the crime; a parent, grandparent, child, or  
15 grandchild of the person who committed the crime; a member of the social unit  
16 comprised of those living together in the same dwelling as the person who committed  
17 the crime; or another person who is not a spouse or former spouse of the person who  
18 committed the crime but who previously lived in a spousal relationship with the person  
19 who committed the crime or is in or has been in a dating, courtship, or engagement  
20 relationship with the person who committed the crime.

21 \* Sec. 3. AS 12.25.030 is amended by adding a new subsection to read:

22 (d) In addition to the authority granted by (a) and (b) of this section, a peace  
23 officer without a warrant may arrest a person when the peace officer has reasonable  
24 cause for believing that the person has violated conditions imposed as part of the  
25 person's release before trial on felony charges brought under

26 (1) AS 11.41.100 - 11.41.320 when the victim is a spouse or former  
27 spouse of the person who committed the crime; a parent, grandparent, child, or  
28 grandchild of the person who committed the crime; a member of the social unit  
29 comprised of those living together in the same dwelling as the person who committed  
30 the crime; or another person who is not a spouse or former spouse of the person who  
31 committed the crime but who previously lived in a spousal relationship with the person

1 who committed the crime or is in or has been in a dating, courtship, or engagement  
2 relationship with the person who committed the crime; or

3 (2) AS 11.41.410 - 11.41.455.

4 \* Sec. 4. AS 12.30.020(e) is amended to read:

5 (e) The judicial officer shall inform the person of the penalties which may be  
6 imposed for a violation of the conditions of release and advise the person that a  
7 warrant for the person's arrest will be issued immediately upon a violation or that the  
8 person may be arrested without a warrant for a violation of conditions of release  
9 as set out in AS 12.25.030(b).

10 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

No. 4  
 Bill Version: HB 525  
 (H) Publish Date: 3/9/94

STATE OF ALASKA  
 1994 LEGISLATIVE SESSION

Revision Date: February 15, 1994  
 Title: "...amending Alaska Rule of Evidence 404...  
 admissibility of certain character evidence..."  
 Sponsor: Rules/Request of Governor  
 Requestor: Governor's Office

Department Affected: Department of Law  
 BRU: Prosecution  
 Component: All  
 COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

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

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

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

Prepared by: Richard T. Peques, Director Phone: 465-3672  
 Division: Administrative Services Division Date: February 15, 1994  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law Date: February 15, 1994

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FISCAL NOTE

BILL NO. \_\_\_\_\_

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

ANALYSIS CONTINUATION:

This bill amends Alaska Rule of Evidence 404 in several important respects. First, the bill would help reduce the number of times a rape victim is "put on trial" by authorizing the admission into evidence of other sexual assaults by the defendant against the same or another person when the defendant relies on the defense of consent. A defendant who argues that the victim consented should not be able to hide behind Rule of Evidence 404(b) to keep the jury from learning that the defendant has assaulted other victims.

Second, with respect to sexual abuses or assaults against a minor, this bill removes from Rule of Evidence 404(b) confusing language -- "to show a common scheme or plan" -- that has been misinterpreted by several courts to exclude evidence meant to be allowed under the rule. The bill also specifies a 10-year time period as being not too remote for the admissibility of evidence of prior similar assaults or sexual abuse offenses committed by the defendant against minors.

Finally, this bill amends Rule of Evidence 404(a) to allow evidence of a defendant's reputation for aggression or violence when the defendant places the victim's character for violence in issue by claiming self-defense. A defendant who claims that the victim was the aggressor should not be able to hide behind Rule 404 to keep a jury from learning that the defendant has an even greater reputation for violence in the community.

Because the bill modifies the rules of evidence in a manner that will help level the playing field for state prosecutors, and does not add to or otherwise increase our workload, there will not be a fiscal impact.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL No. 3  
Bill Version: HB 525  
(H) Publish Date: 3/9/94

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
Title: Evidence in Sexual Assault Cases BRU: Alaska State Troopers  
Component: Detachments  
Sponsor: Rules by Request  
Requestor: Governor COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( )	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Lee Ann Lucas Phone: 465-4322  
 Division: Office of the Commissioner Date: 2/16/94  
 Approved by Commissioner: *[Signature]* Date: \_\_\_\_\_  
 Agency: Richard J. Burton, Dept. of Public Safety

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