

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8333

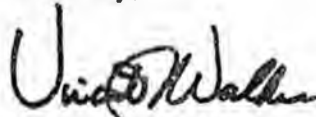
SENATE JUDICIARY

The Honorable Ron Larson
February 25, 1993
Page 2

At our monthly luncheon meeting on February 24, we had the pleasure of listening to Assistant Attorney General Jim Forbes explain the background and specifics of HB #113. During that meeting the membership formally agreed to work with you in support of the bill.

Please let me know what additional help you may need. I would be happy to testify in person on behalf of HB #113, representing the many fund raising professionals in Alaska who feel this bill is necessary.

Sincerely,



Vincent J. Walker
Alaska Chapter President

President,
Providence Health Care
Foundation

vjw/ab

**AMERICAN
CANCER
SOCIETY**

ALASKA DIVISION, INC.

Nels Anderson, M.D.
President

Jan Young, R.N.
Chairman of the Board

Roland Gower, M.D.
Chairman, Executive Committee

Barbara Kenney
Secretary

Brent Ulmer
Treasurer

Diana Kuhns
Executive Vice President

March 12, 1993

Representative Ron Larson
State Capitol
Juneau, AK 99801-1182

Dear Representative Larson,

The American Cancer Society, Alaska Division Public Issues Committee met on February 6, 1993, and reviewed your House Bill 113 regulating telephonic and charitable solicitations. The Committee recommended to the Division Board of Directors our organization support of the bill --- unanimous passage.

This bill is well drafted to be able to help eliminate look-alikes or sound-alike organizations and to regulate charity organizations that do not meet established standards. Alaskans have experienced too many fly-by-night charity promoters who have taken advantage of our good will and generosity, and then disappear with the take.

We are pleased that you have taken this legislation on as a priority. The American Cancer Society, Alaska Division, Inc. supports your endeavor. Thank you.

Sincerely,



Diana Kuhns
Executive Vice President

cc: Don Rogers, MD, Public Issues Chair



ALASKA DIVISION, INC.

Nels Anderson, M.D.
President

Jan Young, R.N.
Chairman of the Board

Roland Gower, M.D.
Chairman, Executive Committee

Barbara Kenney
Secretary

Brent Ulmer
Treasurer

March 1993

Diana Kuhns
Executive Vice President

House of Representatives
Attn: Ron Larson
State Capitol, Room #502
Juneau, Alaska 99801-1182

Dear Representative Larson,

This letter is to inform you that on February 7, 1993, the Board of Directors of the American Cancer Society voted, with unanimous approval, to fully support House Bill #113.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nels Anderson".

Nels Anderson, M.D.
President
American Cancer Society,
Alaska Division, Inc.

12 APR 93

4213

Dear Rep Larson,

Thank you for your efforts on helping to protect
our citizens from dishonest telephone solicitors.

Some of our older people many times fall prey to

these solicitors when they are trying to ~~stretch~~ ^{stretch their}

dollars.

Again Thank You

Kendall M. Gagnis
1524 Latouche #3
Anchorage, AK 99501

HEB

119

HOUSE LETTER OF INTENT

LETTER OF INTENT
CSHB 119 (JUD)

BY: REPRESENTATIVE FRAN ULMER
REPRESENTATIVE BRIAN PORTER

It is the intent of the legislature that a defendant may not be sentenced to pay a day fine if the offense jeopardized the personal safety of the victim.

ADOPTED: 4/21/93

SENATE COMMITTEE REPORT

DATE: 4/23/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 5/6/93

JUDICIARY Committee considered CS FOR HOUSE BILL NO. 119(JUD) am

"An Act authorizing a sentencing court to impose a sentence of a day fine instead of a sentence of imprisonment on a defendant convicted of a misdemeanor; directing the Alaska Supreme Court to develop and implement a day fine plan; requiring the Alaska Court System to report to the legislature on the use of day fines; amending Alaska Rule of Criminal Procedure 32; and providing for an effective date."

and recommends:

- replace with _____ CS _____ () same title
- or adopt previous _____ CS _____ () new title
- attaches amendment(s) technical title change (HB only)

adopts House Letter of Intent by Ulmer / Porter (4/21/93)

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
AK Court System	3-10-93		✓
LAW	3-8-93	✓	
DPS	4-2-93	✓	
DOA (OPA)	3-8-93	✓	
DOA (wb. def)	3-8-93	✓	

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

Adrian L. Taylor
 Chair: Signature and Recommendation



Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair
Philip R. Volland, Vice Chair

Jayne E. Andreen
Richard L. Sutton

Charles E. Cole
Hon. Beverly W. Cutler

Sen. Steve Frank
Lloyd G. Rupp

JoAnn Holmes
Hon. Warren W. Matthews

Gigi Pilcher
Jonn Salem

Duane S. Udland
Rep. Fran Ulmer

April 2, 1993

Representative Fran Ulmer
Alaska House of Representatives
State Capitol
Juneau, AK 99811

Dear Representative Ulmer:

Thank you for sponsoring HB 119, an act authorizing the use of day fines in misdemeanor cases. This legislation would begin to implement the Sentencing Commission's recommendation to increase the use of forfeitures and fines as alternatives to jail time. The Commission recommended that the legislature work with the courts to investigate the use of day fines and to create effective mechanisms for collection, and HB 119 is consistent with this recommendation.

The Commission discussed day fines in its 1990 Annual Report at 37:

Unlike standard fines, so-called "day fines" are linked to the offender's daily income, so that poor and affluent offenders are sentenced equitably. A judge using a day fine approach first sentences an offender to a certain number of fine units (often taken from guidelines) which reflect the degree of punishment appropriate for the offense. The judge then calculates the monetary value of each unit according to the income and economic resources of the particular offender being sentenced. The fine which results is generally much higher than fines ordinarily imposed in American court systems. In western Europe, the day fine is widely used as the sole penalty for recidivist offenders; as a matter of policy, fines are imposed as the major alternative to short terms of imprisonment.

The day fine is punitive in purpose. It is relatively inexpensive to administer, can be financially self sustaining, and can provide revenue for related social purposes such as victim compensation. It also does not act to destroy the offender's ties to family and community. However, to be effective it must be geared to the financial means of the offender. States contemplating day fine legislation should consider the financial

SENTENCING COMMISSION SUPPORT

Representative Fran Ulmer
April 2, 1993
Page 2

commitment necessary for rigorous enforcement. Jurisdictions currently using the day fine as a sanction, find that it serves as a mechanism to break through offenders' denial as well as giving them useful work and budgeting skills.

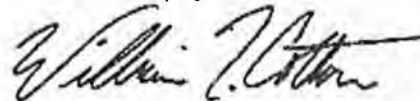
The Alaska Court System has recently issued an excellent report on day fines which discusses their history and the feasibility of implementation in Alaska.

Unlike HB 119, the Commission's recommendation is not limited to misdemeanor cases, but it seems reasonable to begin using the sanction for misdemeanor cases and to expand it to felonies later if it appears to be working well. Its affect on prison overcrowding will be somewhat limited while the sanction is confined to misdemeanor cases, but day fines have the potential to be an excellent sanction in and of themselves, whether or not they have an impact on prison population.

HB 119 requires that the Department of Law enforce collection of day fines, and that the Department of Corrections evaluate the effectiveness of the program. The Commission recommended that where alternative punishments are used, it is particularly important to provide for rigorous enforcement and monitoring. The Commission specifically recommended that criminal justice agencies work together to evaluate alternative punishments to assure that programs are developed and used appropriately and that sufficient resources are available. It also recommended collection of data for long-term evaluation of program effectiveness. We commend these portions of the bill.

On behalf of the Alaska Sentencing Commission, I would urge the Legislature to adopt legislation to authorize the use of day fines in many cases. Please feel free to call me if I can be of any assistance.

Very truly yours,



William T. Cotton
Executive Director

WTC:erm

Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

CSHB 119 (JUD) AM, Day Fines

HB 119 will establish a day fine system in Alaska as a sentencing alternative to incarceration or probation in non-violent misdemeanor cases. Such structured fine systems, linked to the offender's daily income, are successfully used in Europe and in a growing number of jurisdictions in the United States.

The Alaska Sentencing Commission recommended a Day Fine System, and the Alaska Court System supports this legislation.

We have spent millions of dollars during the past decade adding prison and jail beds and still the demand for justice outstrips the supply of cells. It is apparent that we must develop new approaches to delivering justly deserved punishment to criminal offenders. We must reserve expensive imprisonment for the violent, predatory criminal and devise a range of intermediate sanctions for less serious offenders. The day fine system is such an alternative.

In a two step process, the sentencing judge will determine the amount of a fine based on the seriousness of the offense and the offender's ability to pay. In that manner, the economic burden - the punitive effect of the fine - will be equalized across the range of offenders' incomes.

The experiences of other countries and U.S. jurisdictions indicates a day fine system will decrease the number of misdemeanants in expensive prison beds, increase the collection rate for fines and serve as very real punishment.

Thank you for your support of this important piece of legislation.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

.o. 1
Bill Version: HB 119
(H) Publish Date: 3/12/93

Revision Date: _____ Department Affected: Alaska Court System
Title: An Act authorizing a sentencing court BRU: Trial Courts
to impose a sentence of a day fine... Components: _____
Sponsor: Ulmer
Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	52.5	35.0	35.0	35.0	35.0	35.0
TRAVEL	24.8					
CONTRACTUAL						
SUPPLIES						
EQUIPMENT	2.8					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	80.1	35.0	35.0	35.0	35.0	35.0
CAPITAL						
REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)


1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	80.1	35.0	35.0	35.0	35.0	35.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	80.1	35.0	35.0	35.0	35.0	35.0


POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY	1.0					

Estimate of current year (FY 93) impact: None

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

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
Division: Alaska Court System Date: 03/10/93

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 03/10/93
Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court System

Fiscal Analysis

HB 119

HB 119

No. 1

Pg 2 of 2

Salary Benefits Total

Personal Services

Law Clerk I, 13D, Anchorage, NPP, 6 months <i>Provide legal research for day fine rule-making committee. One-time cost.</i>	15,912	1,575	17,487
--	--------	-------	--------

Court Clerk II, 10A, Anchorage, PFT, 12 months <i>Assist judges statewide with income verification: review income tax returns and financial statements and perform credit checks. All judicial inquiries will be processed in Anchorage.</i>	24,012	10,998	35,010
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Total personal services			<u>52,497</u>
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<u>Travel</u> <i>(one-time cost)</i>			24,825
--------------------------------------	--	--	--------

Committee, appointed by Supreme Court, to develop rule on day fines. Committee will be comprised of two trial judges from each judicial district and two appellate judges. Committee will meet five times with meetings lasting approximately 3 days.

<u>Equipment</u> <i>(one-time cost for permanent position)</i>			2,800
--	--	--	-------

Desk, chair, computer and facsimile machine

			<u>80,122</u>
--	--	--	---------------

Note: The court system is not able to accurately estimate potential revenues from this legislation at this time.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 2
Bill Version: HB 119
(H) Publish Date: 3/12/93

Revision Date: March 8, 1993
Title: ...authorizing a sentencing court to impose a sentence of a day fine instead of imprisonment...
Sponsor: Representative Ulmer
Requestor: Representative Ulmer

Department Affected: Department of Law
BRU: Legal Services
Component: Operations
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

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

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

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

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

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

ANALYSIS: (Attach a separate page if necessary.)
Please see attached analysis.
Richard I. Peques

Prepared by: Richard I. Peques, Director Phone: 465-3672
Division: Administrative Services Division Date: March 8, 1993
Richard I. Peques / RCP
Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law Date: March 8, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

X10.7

P.2/2

ANALYSIS (Continued):

This bill would amend the sentencing provisions in the state's Code of Criminal Procedure, AS 12.55, to establish a system of day fines as an intermediate punishment alternative to short-term incarceration and probation supervision. Under the bill, defendants convicted of non-violent misdemeanors could be sentenced to fines based upon the severity of the offense, a defendant's criminal history, and a defendant's daily income, as adjusted for a defendant's ability to pay the fine. The bill does not repeal existing misdemeanor sentencing provisions, but rather it provides an alternative to those provisions.

Section 5 of the bill would provide that a sentence imposing a day fine shall be considered a civil judgment for the day fine. And the section further provides that the Department of Law shall enforce the judgment and may utilize any procedure available for the enforcement of civil judgments. If the department uses the civil process of the court to enforce or collect a day fine, the department would be awarded costs and attorney fees.

The Department of Law's collections unit currently collects unpaid criminal fines and was recently assigned the responsibility for collecting unpaid legal fees for state-provided criminal defense. The costs for these collections has averaged about one-third of the amount collected. However, the cost ratio for collection is expected to diminish as collections increase, and as collections procedures become more efficient, including establishment of electronic interfaces between the courts and the Department of Law, and between the Department of Law and the Department of Revenue.

At this point we are unable to determine if the bill will have an impact for our department. It is not known whether day fine sentencing provisions will result in a change in the number of unpaid fines that we currently handle, nor is it clear whether the amount in arrears will change. The court must undertake a comprehensive effort to develop and implement a day fine program. Consequently, a fiscal impact, if any, will not be known until sometime after the new sentencing provisions have been in effect. It does appear that day fine sentences would help reduce the growing cost of incarceration and supervised probation.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 3
Version CSHR 119 (JUD)
(H) Publish Date: 4/8/93

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act authorizing a sentencing court to
impose a sentence of a day fine" BRU: Alaska State Troopers
 Sponsor: Representative Ulmer Component: Detachments
 Requestor: House Judiciary COMPONENT SERIAL NO. 799

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

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

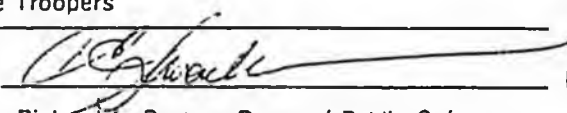
POSITIONS:

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

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

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 4/02/93
 Approved by Commissioner:  Date: 4/02/93
 Agency: Richard T. Burton, Dept. of Public Safety

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FISCAL NOTE

N 4
 Bill version: CSHB 119 (JUD)
 (H) Publish Date: 4/9/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act authorizing a sentencing court to impose a BRU: Office of Public Advocacy
sentence of a day fine on a defendant convicted of a Component: Office of Public Advocacy
misdemeanor"
 Sponsor: Representatives Ulmer, Davis, Davies, Brown
 Requestor: (H) Sta COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS

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

Estimate of current year (FY93) impact: \$ None

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 Usery Date: 3/8/93
 Agency: Department of Administration

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FISCAL NOTE

No 5

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Version: CSHB 119 (JUD)
(H) Publish Date: 4/9/93

Revision Date: _____
Title: An Act authorizing a sentencing court to impose a sentence of a day fine on a defendant convicted of a misdemeanor
Sponsor: Representatives Ulmer, Davis, Davies, Brown
Requestor: (H) STA

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

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

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

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

POSITIONS:

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

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 279-7541
Date: _____

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 3/8/93

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HB

120

(7)

Date Referred: February 3, 1993

FURTHER REFERRALS:

Date of Committee Action: 2-22-93

The JUDICIARY Committee considered:

HB 120

HOUSE BILL NO. 120

JURY LIST PREPARATION

"An Act changing the date by which jury lists must be prepared; requiring the use of the list of the current year's permanent fund dividend applicants in preparing the jury list; and changing the date by which state departments must submit certain lists to the Alaska Court System."

RECOMMENDATIONS: the same title

be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

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

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

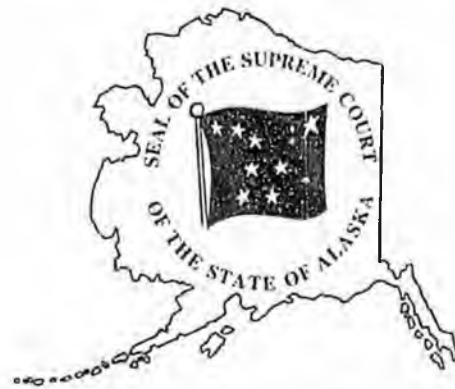
fiscal note(s) _____

zero fiscal note Alaska Court System

zero fiscal note(s) _____

SIGNING <u>DO PASS</u>	DP	<u>OTHER RECOMMENDATIONS</u>	DNP	NR	AM
<i>Bryan D. Porter</i>	✓	<i>Cliff Danden</i>		✓	
<i>Lail Phillips</i>	✓				
<i>Don Woodford</i>	✓				
<i>Summitto James</i>					
<i>Pete Ford</i>	✓				

Bryan D. Porter
 CHAIRMAN'S SIGNATURE



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III
Staff Counsel

March 16, 1993

303 K Street
Anchorage, AK 99501
(907) 264-8228

The Honorable Robin Taylor
Chairman, Senate Judiciary Committee
P. O. Box V
Juneau, Alaska 99811

Dear Senator Taylor:

I am writing to request that the Judiciary Committee schedule House Bill 120, relating to the preparation of the jury list, at its earliest convenience. This bill was introduced by the House Judiciary Committee at the request of the supreme court.

At the present time, the administrative director of the court system is charged by AS 09.20.050 with preparing a list of persons qualified for jury service. This list must be prepared by March 15 of each year. It is compiled from a list of applicants for the permanent fund dividend, which must be submitted by the Department of Revenue to the court system by the preceding January 15.

It has been determined that jury service could be administered more efficiently if the jury year corresponded to the calendar year. Accordingly, HB 120 requires the administrative director to prepare a jury list by November 30, from a list submitted by the Department of Revenue no later than September 30. This will enable a new jury list to be used beginning on January 1 of each year. The bill has no fiscal impact, and the Department of Revenue has advised us that the dividend applicant list is available for distribution by September 30.

Thank you for your courtesy. Please feel free to contact me if you have any questions or comments.

Very truly yours,

A handwritten signature in cursive script, appearing to read "C. S. Christensen III", is written over a horizontal line.

C. S. Christensen III
Staff Counsel

CSC:bl

STATE OF ALASKA
1993 LEGISLATIVE SESSION

FISCAL NOTE

No. 1
Bill Version: HB 120
(H) Publish Date: 2/24/93

Revision Date: _____ Department Affected: Alaska Court System
Title: An Act changing the date by which jury BRU: Trial Courts
lists must be prepared Components: _____
Sponsor: House Judiciary
Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

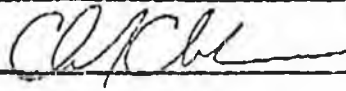
1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) impact: None

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

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-82
Division: Alaska Court System Date: 02/18/93

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 02/18/93
Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

HB

122



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III
Staff Counsel

April 1, 1993

303 K Street
Anchorage, AK 99501
(907) 254-8228

The Honorable Brian Porter
Chairman, House Judiciary Committee
P. O. Box V
Juneau, Alaska 99811

Dear Representative Porter:

Thank you for scheduling a hearing on House Bill 122, relating to the findings and recommendations of a neutral mediator when awarding shared child custody. As you will recall, this bill was introduced by the Judiciary Committee at the request of the Alaska Supreme Court.

In December, 1988, Chief Justice Warren Matthews created the Task Force on Mediation in response to an instruction from the Fifteenth Legislature. The purpose of the task force was to evaluate the potential benefits of mediation to consumers and to the court system. In its report, issued in June, 1990, the task force recommended the statutory change contained in HB 122.

Currently, AS 25.20.090 reads in pertinent part:

In determining whether to award shared custody of a child the court shall consider

...
(7) any findings and recommendations of a neutral mediator;
...

After study, the task force concluded that this statute as written endangers the mediation process and runs contrary to the majority view that mediation communications be kept confidential. The majority view also does not envision a mediator making a

LETTER OF SUPPORT
FROM THE
COURT SYSTEM

The Honorable Brian Porter
April 1, 1993
Page 2

recommendation about the resolution of a dispute, should mediation be terminated without agreement. The mediator's role is to guide the parties to a mutual decision, and not to impose a decision upon the parties, even in the form of a recommendation, if they cannot reach a decision.

To correct this problem, HB 122 would simply delete from the statute the requirement that the findings and recommendations of a neutral mediator be considered by the court.

Thank you for your courtesy. Please contact me if you have any questions or comments concerning this legislation.

Very truly yours,

C. S. Christensen III
bh

C. S. Christensen III
Staff Counsel

CSC:bh

FISCAL NOTE

Bill Version: HB 122

(S) Publish Date: 1-20-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: 01/18/94 Dept. Affected: Alaska Court System
 Title: Child custody procedures BRU: Trial Courts
 Components: _____
 Sponsor: House Judiciary
 Requestor: _____ COMPONENT SERIAL NO. 768

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

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						
1008 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-3228
 Agency: Alaska Court System Date: 01/18/94
 Approved by: Arthur H. Snowden, II, Administrative Director *AS*
 Agency: Alaska Court System Date: 01/18/94

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

HB

128

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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

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

MEMORANDUM

February 21, 1994

SUBJECT: Sectional Summary of CSSSHB 128(FIN) (An Act relating to paternity determinations and acknowledgements.)

TO: Representative Bettye Davis

FROM: Terri Lauterbach *TML*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

Please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, let me know.

Section 1. Directs the state registrar to prepare a form that can be used by a man to acknowledge that he is father of a child named in the form. When properly witnessed, this acknowledgement is presumptive evidence of the man's paternity.

Sec. 2. Sets out the conditions under which a default judgment must be entered against the defendant in a contested paternity action.

Sec. 3. Requires hospitals and other health care providers to advise unmarried women, and their male partners if possible, concerning the rights and responsibilities of parents. Also requires them to give the woman, and the man if possible, the paternity acknowledgement form developed under section 1 of this Act.

Sec. 4. Directs the child support enforcement agency to seek default judgments in paternity actions that meet the criteria of section 2 of this Act.

TML:pl
94-144.plm

ALASKA STATE LEGISLATURE

SECRETARY OF STATE
ALASKA
1987-1991
1991-1995
1995-1999
1999-2003
2003-2007
2007-2011
2011-2015
2015-2019
2019-2023



CONSTITUTION
AIR
CHILDREN'S SERVICES
HEALTH, EDUCATION,
SOCIAL SERVICES
STATE AFFAIRS
TERRITORY OF ALASKA
OFFICE

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

SPONSOR STATEMENT

CSSSHB 128 (FIN) - "RELATING TO PATERNITY DETERMINATIONS AND ACKNOWLEDGEMENTS"

Non-support of children has become a national epidemic with one-fourth of children in the United States now living with a single parent and an estimated 60 percent spending at least part of their childhood in a single-parent home. In almost half of these cases, the absent parent does not pay child support. Many of these children are born out-of-wedlock and paternity is established in only 30 percent of such cases. That interprets into 70 percent of out-of-wedlock births where there is no proof of paternity and no means to collect child support.

CSSSHB 128 (FIN) adds language to A.S. 18.50 and requires the state registrar to prepare a paternity acknowledgment form to be used at the time of birth. The form, signed by both parents, will list the father's full name and social security number, and requires the signature of a notary public. The bill also lays out specific responsibilities of hospitals or midwives (should the birth occurs outside the hospital setting) to get the proper information on the form and to distribute appropriate paternity materials from the Department of Health and Social Services. In addition, the State of Alaska is required to give full faith and credit to a determination of paternity made by another state, regardless of the method in which paternity was established. Another component of CSSHB 128 (FIN) provides for procedures to allow a default order to be entered in contested paternity cases upon showing that process was served on the defendant in accordance with state law.

Sponsor Statement
CSSSHB 128 (FIN)

This legislation is an attempt to get acknowledgment at the time when a father is particularly willing to develop a relationship with the child, which benefits both parties. The child will have the security of knowing who his/her father is and could gain access to support from Social Security, survivor and veteran benefits and worker's compensation. The child would also be entitled to the father's inheritance, health insurance and have access to the family medical history. The father, in turn, maintains the legal right to have access to his child even though he is not married to the mother.

As of December 1993, there were 39,969 cases pending in the Alaska Child Support Enforcement Division and 7,192 of those cases are directly related to paternity verification. Establishing paternity early on will better enable the state to collect child support in the future and could subsequently reduce the number of families needing public assistance.

CSSSHB 128 (FIN) is a step towards giving children in this state a better start in life and the support they deserve from both parents.

The Washington Post

AN INDEPENDENT NEWSPAPER

Who Pays for Children?

THE NON-SUPPORT of children has become a national epidemic. A fourth of U.S. children now live with a single parent, and an estimated 60 percent will spend at least part of their childhood in a single-parent home. In nearly half such cases the absent parent, generally the father, won't pay support. More than 40 percent of women raising children on their own have never been awarded child support, and only about a quarter get the full amounts to which they are entitled.

This splitting apart of the family as a financial unit is a major reason why a fifth of the children in the country are poor today, and an eighth are on welfare. The recurrent question is how, besides making welfare payments, the government should respond. Part of the cautious traditional response has been that this is a state and local issue from which Big Brother should keep its distance. A striking proposal now in play on Capitol Hill would abandon that tradition on grounds that only the national government has the resources to combat what has become a national emergency. The problem is such that normal political lines have been blurred. In the House, where the idea has got to the point of hearings, the principal sponsors are the unlikely pair of liberal Thomas Downey and conservative Henry Hyde.

The proposal is to federalize the patchy child support system—the collection, disbursement and periodic adjustment of child support awards—and to make failure to pay on the part of an able parent a federal crime. Awards would still be made in state courts, but increasingly according to federal standards—and state welfare agencies would be given powerful financial incentives to see that the number of such awards increased. The Internal Revenue Service would then become the enforcer of every child support

award in the country, collecting the money just as it does taxes, through withholding, with similar penalties for evasion. Unemployed fathers who had no income would be enrolled at federal expense in a job preparation program and might eventually be given public-sector jobs from which support would be subtracted.

The likely increase in support would reduce welfare costs. The government would reduce them further by guaranteeing every cooperating single parent in the country a minimum level of child support; if for lack of income or other reason the payment from the other parent fell short, the federal government would make up the difference. The result would be a partial federalization of the welfare system as well and a greater payoff for welfare mothers who went to work. They would still lose the welfare part of their benefits as they began to earn, but not the child support part. The lower welfare costs would also provide some fiscal relief for the states.

At the federal level, the system would be costly—the amount depending on the guarantees—and it's not going anywhere this year. Messrs. Downey and Hyde didn't even introduce it as a bill, but as a concept; that's what the Downey Ways and Means subcommittee is holding hearings on. But it's a provocative idea. The government undertakes to shift more resources to children, poor ones especially, but only after making their parents also take more responsibility for them. There's something in that for everyone. A shift of power over domestic relations to the federal level may yet unnerve some people—making non-support of children a federal crime in the same way non-payment of taxes is. You have to ask yourself, which is the greater offense—and who pays when the parents don't?



Child Support Report

Office of Child Support Enforcement

Vol. XIII, No. 10, November-December 1991

Paternity Establishment at Birth:

Capturing the Happy Hour

The chances of establishing paternity are greater at the time of a child's birth than at any other time says Jane Clements, Policy Section Chief of Virginia's IV-D office. This propitious moment for obtaining voluntary paternity acknowledgements has been referred to as "the happy hour," the moment when the father is bursting with pride and is most willing to accept his paternity and its obligations.

Capturing a child's legal paternity at this opportune time seems to many to be common sense. Enforcement personnel have long known that, as the child grows and the parents' relationship weakens or deteriorates, the chances of establishing legal paternity progressively worsen. From a programmatic perspective, and in the wider social sense, high numbers of nonmarital births mean growing welfare dependency and growing IV-D caseloads. The backdrop to this picture is often a costly and time-consuming paternity establishment process through overburdened courts.

Benefits of Paternity

Apart from the possibility of the father's immediate care and support of the baby, legal paternity confers a multitude of other rights and benefits which new parents may not know. With paternity established:

- The child has a right to the father's name and such support that is based on his work history, such as Social Security and other survivor's benefits, veteran's benefits, and workman's compensation.
- The child can receive any inheritance, life and health insurance, and a right to access family health information.



Tim Hershberger, 1-day old Patrick John Hershberger, and Brenda Blackall. Photo: Butterworth Hospital, Grand Rapids, Michigan 1991.

- The father now has a legal right, though not married to the mother, to establish and maintain a relationship with his child.
- In the developing bonds of care and support, the child stands to gain a whole family, reaching to both the mother's and father's sides.

(continued on page 2)



U.S. Department of
Health and Human Services
Administration for Children and Families
Office of Child Support Enforcement

Inside...

Colorado Planning	4
Tax Offset Guidelines	5
Medical Support in California	6

From the Deputy Director

Allie Page Matthews

Allie Page Matthews

It's about the treatment of people—it always is. Whether it's in the highest negotiations for world peace or in simply asking for a glass of water in a restaurant, how you treat people tells a great deal about you.

A long time ago when I worked in the office of then-Congressman George Bush, I was struck with the simple kindness that prevailed in that office.

I felt a part of a team. I was included because the idea was the thing that brought you to the table, not rank or position. There were no territorial battles, we were all treated equally, and our business was about solving problems.

And I could get help if I needed it from the people around me. There was none of this "Use them up and toss them away" attitude that seems to be prevalent today in a lot of places.

Every management book in the world will now tell you that the way I was treated is plain good management, but to me it's more a matter of how you live your life. Do you display kindness or rudeness? Do you offer help or criticism? Do you bring hope or despair?

I pray child support offices all over this country will choose to treat people at every level as I was treated in the Bush office. I want us to be what government should be. ■

Paternity At Birth

(continued from page 1)

The Programs

Mindful of these considerations, several states have passed legislation and instituted programs for establishing paternity in the hospital at the time of the child's birth. Child support enforcement programs in Virginia, Washington, and Michigan, for example, have voluntary consent processes in which the father and mother can acknowledge and sign a document that legally establishes paternity.

*The programs
include carefully
informed consent...*

Washington State, Kent County (Grand Rapids), Michigan, and Virginia have had hospital-based paternity efforts for about a year. Washington, the first state to establish such a program, currently has 80 participating hospitals and expects 7,000 sworn paternity affidavits to be signed by the end of 1991. Averaging 88 affidavits per hospital, this represents 80 percent of the fathers who were given the

opportunity to acknowledge paternity when their babies were born.

Kent County (Grand Rapids), Michigan, has one large participating hospital and expects to have 791 affidavits signed by the end of a 14-month period. This represents 52 percent of fathers given the chance to establish their paternity in the hospital. Virginia has five hospitals participating in its paternity establishment program and is expecting to add four more, moving toward a statewide program in its 35-40 birthing hospitals. According to Jane Clements, one invaluable ingredient has been the endorsement of the Virginia Hospital Association, which has promoted the program in its newsletter.

How They Work

The three state programs share several similar practices. In Washington State, hospital personnel, e.g., the doctor, midwife, social worker, or an administrative employee, "provide the opportunity" to the father and mother to acknowledge paternity, and medical records personnel obtain the acknowledgments as part of the birth registration process. In Virginia, a social worker presents the

Special Issue for Front Line Workers

January's *Child Support Report* will be a special issue for frontline workers. To ensure that they see it, please circulate your copies as widely as you can and let us know if you need more for distribution to local offices.

We would also be glad to add to our regular mailing list any local CSE offices that do not now receive *CSR*. Please let us know on 202-401-9383. ■



opportunity and the hospital's medical records clerk who prepares the birth certificate, obtains the paternity acknowledgments. In Grand Rapids, the medical records clerk performs both functions, with some of the groundwork laid by a social worker.

All three programs provide training to hospital personnel involved in paternity establishment—medical records clerks, vital statistics registrars, and supervisors. Also, the usual practice is for state CSE programs to pay the hospital a nominal fee of \$10 to \$20 per acknowledgment, which is eligible for federal financial participation. Clements points out that the fee can in no way compensate for the time the hospital spends with the patients, basically donated time.

Questions of Law

The programs include carefully informed consent, providing the mother and father with information which explains the benefits of paternity establishment and the availability of support enforcement services. Kent County has a resource person available at the agency for the hospital to refer any additional questions to, particularly of a legal nature.

How is legal paternity formalized? In Virginia and Washington, paternity is finally established when the hospital-notarized affidavits or declarations of paternity are filed with the state vital records departments. In Washington, the father has several opportunities to later contest the acknowledgment or the support order that results. In Grand Rapids, paternity is legally established when the affidavits are filed with the court.

Community Outreach

Kent County has done a lot of outreach with pregnant, unmarried women, so they and the fathers will be prepared when they enter the hospital. It distributes brochures to doctors' offices, health clinics, hospital-run prenatal clinics, and schools with unwed mothers. The



Brochure from Kent County Michigan

hope is that if unmarried fathers have information and have had time to discuss and think about the benefits of paternity to their child, they may be more receptive to acknowledging it when they come to the hospital. In Virginia, posters placed in the hospitals encourage

employees to obtain training in the hope that they can help "market" the program.

Cost Savings

In operational terms, the cost savings to state IV-D program can be substantial. Virginia estimates that in-hospital paternity establishment saves about \$440 per case over the cost of getting paternity processed through the courts. In one year, the Virginia CSE program has realized an estimated savings of \$126,700 for 288 hospital-established paternities.

The true benefits of "happy hour" paternity establishment are, of course, for the children. Says Nancy Sterk, District Manager with the Office of Child Support in Kent County, Michigan, "The children can leave the hospital with two legal parents instead of one, starting life on a positive basis." And, with paternity established at birth, and a support order entered soon after, the mother has earlier access to child support enforcement services, if and when she and her child need them.

For further information about these in-hospital paternity establishment programs, contact: **Kent County, Michigan:** Nancy Sterk, 616-247-6230; **Virginia:** Jane Clements, 804-662-7469; and **Washington:** John Hoover, 206-586-3555. ■



Deadbeat Dads

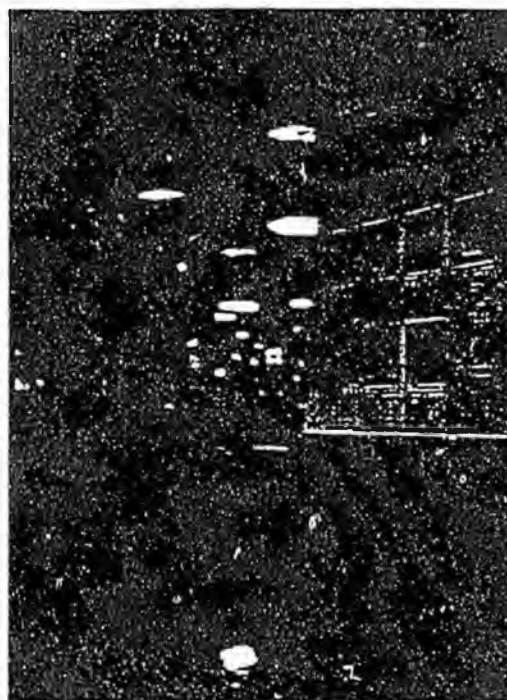
BY STEVEN WALDMAN

John Lock goes to court in Chicago next week to explain why he owes back child support, but his ex-wife Esther isn't expecting much. They have, after all, been through more than 100 court hearings about child support and their divorce over the past 19 years. And, according to the state of Illinois, he still owes more than \$160,000 for his four children. She's feeling needy now because she lost her job as a social worker 17 months ago, but she remembers more desperate times, like February 1977. "Our electricity was being turned off," she recalls. "We were lighting the house with candles. We were on what we called the 'white diet'—a lot of rice and cereal. No medical coverage, no dental." Her ex-husband, then a dentist, was living in the affluent suburb of Highland Park with his new family. "I knew he didn't want the kids so I figured I'd use it as a scare tactic," says Esther. She gave their two teenage sons overnight packs and dropped them off in front of their father's house in subzero weather. He called the police. "He told the Highland Park police that there were two boys outside trespassing," she says. "I'm not proud of it, but I was desperate."

John Lock admits he called the police but says he had to because one of his sons was on the verge of "kicking the door down." He concedes he didn't pay the \$1,100 monthly child support for nine years, and admits he fled to Costa Rica for three years because he was "physically, emotionally, financially devastated." But he says he had paid regularly prior to 1977, owes "significantly less" than the state claims and thinks that his ex-wife and the state of Illinois are obsessed with trying to put him in jail. He no longer practices dentistry and works part time delivering flowers in Ida, Mich. "The kids were my world," he wrote in a recent letter to NEWSWEEK. "I did my best to give them a nice life." In an interview, he added, "This has gone on to a point where there's no hope." His oldest son, Byron, now 32, agrees. He says he still can't comprehend his father's behavior. "We were his children," he says. "Why would he want to hurt us? That's what was so confusing about the whole deal—why would a father turn his back on a child?"

In battles like these, nobody ever comes out a winner. Fierce struggles over child support pit parent against parent and inevitably spray the children with emotional shrapnel. Increasingly, the private family traumas are spilling into public view. Posters of most-wanted deadbeat dads began peppering subways and bulletin boards in Massachusetts this month, and police quickly arrested

the fathers. They also hauled in Frederick Grimaldi, who



IRA WYMAN FOR NEWSWEEK

Checking out delinquent dads in Saugus, Mass. (above), Rose Brown and son Tony in Louisville, Ky. (right), and a Baltimore city sheriff arrests a man for nonpayment of support

owes \$22,144 and was working in Florida as, of all things, a deputy sheriff, according to Massachusetts officials. Grimaldi has pleaded not guilty to charges of criminal nonpayment, and his lawyer says he owes just \$19,000, some of which accumulated while Grimaldi was unemployed. Next month an association of state child-support enforcement agencies will release its second annual national Wanted list, which will include a Louisiana attorney who owes \$123,000 and a Tennessee man who

owes his quadriplegic daughter \$21,500. These small steps reflect a growing awareness on the part of public officials of just how potent an issue this has become. Consultants for former Louisiana governor Buddy Roemer were surprised to discover that in focus groups during the 1991 campaign, middle-class voters spontaneously mentioned child support as one of their most important concerns. Bill Clinton, in campaign speeches, regularly urges tougher enforcement.

It's easy to understand why: of the 5 million women who are supposed to receive child support, only half reported receiving full payment, according to a 1990 U.S. Census Bureau study. One quarter of the women got partial payment, and one quarter got nothing. An additional 2.7 million women said they wanted support but were never able to obtain an award. Deadbeatness cuts across income groups: college graduates are about as likely to have a negligent ex-spouse or ex-boyfriend as high-school grads. It even spans gender lines. Fifteen percent of custodial parents are now men, and mothers in those cases have an equally dismal record of supporting their children. The consequences of nonpayment are staggering. On average, the family income of the mother retaining custody drops 23 percent after divorce or separation—a disparity that could be wiped out for many families if full child-support payments were made. Families headed by a mother alone are six times as likely to be poor as those with two parents.

These dreary statistics have recently led social-policy thinkers of many ideological stripes to the same conclusion: child support is key both to fighting poverty and to sustaining middle-class fam-

SEEKING NEW SOLUTIONS



RICH FRISHMAN

As Leslie Fernen and Jeffrey Smith took turns holding their newborn baby boy last week at Swedish Hospital Medical Center in Seattle, staffer Dorothy Mitchell handed them a brochure. Because they are not married, Mitchell explained, Smith would have to sign a paternity statement if he wanted his name on the birth certificate. This enables the state to "go after you if you were to break up," she added—"but we don't even want to think about that now."

The proud parents may not want to think about it, but the state of Washington sure does. About one in every four children is born outside a marriage, and enforcing child support is most difficult in cases where paternity has not been established. So Washington decided to get men on the hook while they're most proud of fatherhood. In about 40 percent of out-of-wedlock births the father is now acknowledging paternity at the hospital. Smith was one who gladly signed.

Washington's program is one of many innovative approaches states have devised to beef up collections. Taken as a whole, the record of the government's network of locally run, federally financed agencies is pathetic. But prodded by major laws passed by Congress in 1984 and 1988, the agencies have pursued several avenues of reform:

Hit 'Em Where They Work. Government officials thought they had the magic bullet in the mid-1980s: take the child support directly out of the father's paycheck. But this approach loses track of people like

Kent Patterson of Seattle, who switched construction jobs 24 times in 11 months. In 1990, Washington state began requiring many employers to give the names and social-security numbers of all hires to the child-support agency so it could track them. By 1994 all states are also supposed to garnish paychecks automatically, without waiting for the father to become delinquent.

Putting Blood in the Stone. You can lead a deadbeat to court, but you can't make him pay if he doesn't have any money. So several states have begun requiring fathers to join job-search programs. A Grand Rapids, Mich., program found jobs for 432 of 1,077 employees during an eight-month period—and their child-support payments jumped by more than 300 percent.

Private Eyes. Agency workers juggling 1,000 cases can often spend only a few minutes on each case. So some states, and increasing numbers of desperate mothers, are turning to private collection services for help. They are often quite effective, but firms can take a big cut of whatever they collect, while the government collects it all (in theory) for free. Parents can increase their odds by consulting groups like the Association for Children for Enforcement of Support (1-800-537-7072) and the National Child Support Advocacy Coalition (P.O. Box 420, Hendersonville, Tenn. 37077). Noncustodial parents can try the National Council for Children's Rights (202-547-NCCR).

The Big Fix. Some child-support experts believe the state-by-state enforcement system is too bureaucratic to ever work well. One proposed solution: turn it over to the IRS. Some advocates go further with a proposal called child-support assurance. The government steps up enforcement, but if the father doesn't pay fully, the state fills the gap. States could then eliminate one of the counterproductive parts of the current law: when poor men do pay support, the state keeps most of it to help finance its welfare operation. Like many of these reforms, the goal here is somewhat unusual for the government: forcing parents, instead of the state, to take care of kids.

S. W. with LORRAINE IANNELLO

in the beginning he was just hurt because I left him," Willis says. "He didn't want to go back into it and bring back up that hurt." Despite his long absence, Itchner carried his kids' pictures in his wallet for more than a decade and on a few occasions drove by their house or to a nearby park and watched them from a distance. His daughter Jewel, who has for several years kept Itchner's service medals in a box by her night stand, recently started a correspondence with him. During a recent interview he pulled out photographs of the girls at the ages of 4 and 2. "You look at those pictures," Itchner says. His eyes well up. "And you look at these," he points to pictures of them at 13 and 15. "How much have they gone through? How much have I missed? How much have they missed from not being with me? All three of us have lost out on the deal, and now we're trying to get it back."

In truth, some men never really develop any relationship with their children, so not paying child support doesn't arouse guilty feelings. Roger Hollenbeck of Des Plaines, Ill., met Rose Brown at a pig roast in Louisville, Ky., in 1980. He describes the relationship as a brief fling (she says they lived together seven months) and was furious to learn she was pregnant because she had told him that a medical condition made that impossible. He left town a few months later and over the next 10 years missed \$21,000 in payments. Hollenbeck's explanation for why he didn't pay: he didn't realize he owed any child support. (This seems unlikely, since the IRS in 1985 intercepted his tax refund for nonpayment of child support.) Under threat of a jail sentence, Hollenbeck recently paid \$10,000 of back support and spoke with his son. "Do you hate my mother?" the boy asked, according to Hollenbeck. "I said, 'No. We were friends, and I moved away.'"



DAVID WALBERG

But asked later what kind of relationship he expects he will have with his son, Hollenbeck says, "absolutely nothing. I know that sounds cold to say, but facts are facts."

Some fathers make so little money that their child-support payments feel like an enormous burden. Since payments are usually based on a percentage of parental income, however, even wealthy fathers can feel the pinch. Washington, D.C., lawyer Grier Raclin currently pays \$4,150 per month to his ex-wife Victoria Reggie, a well-paid Washington lawyer who is about to marry Sen. Edward M. Kennedy. Despite their lucrative jobs, the parents regularly bickered over child support, according to correspondence filed in court. Raclin tried to get reimbursed for camping gear he had bought for a trip with his son. "I absolutely refuse," Reggie replied in October 1990. "I have already paid \$100 for Cub Scouts—an activity for which you said you would be responsible—and I will not pay for the gear you decided you need to take Curran camping. . . . If you try to deduct anything from the

The father of Eric and Allisa Marcelles of Melrose Park, Ill., fell thousands of dollars behind in support. He says his wife kept him away from the kids.

mother can turn to the local government for free—and enter a surreal world where social workers juggle 1,000 cases at a time, a prosecutor might handle 100 cases a week and fathers evade pursuit for years by merely moving a few miles away across state lines. "There's a fiction that we're working everybody's cases," says Darryll Grubbs, until recently a top official of the Texas child-support-enforcement division. "Good Lord. We're not coming close." Jim Harreiston, until last November an investigator in Ft. Worth, Texas, was supposed to look through his 2,300 cases and chase the most delinquent parents. In fact, he usually ended up responding to whichever irate mother called the most, and he got 30 to 40 calls a day. The squeaky-wheel system pays little attention to which mother is neediest, and the caseload can push overwhelmed employees to the edge. "There's nothing I can do!" one fuming caseworker yelled at a parent on the phone in Prince Georges County, Md. "I can't make him a good person!"

Among the many difficulties caseworkers face, one is frighteningly basic: figuring out who the father is. A startling 27 percent of all American children are born out of wedlock; two thirds of all black kids are. Identifying the father is much easier now than 10 years ago because blood tests show, with 98 or 99 percent certainty, whether a man fathered a child. Yet the system solves fewer than half its paternity cases. Many welfare mothers



don't cooperate, fearing they'll lose benefits if the father is found, but even when they do identify the man, states must find him and get him into court, a process that can take years. Sometimes the results are ghoulish: a Maryland judge decided that a man who had fathered a child through a sexual assault should legally be considered the father, paying child support—and getting visitation rights.

Knowing who the father is doesn't mean knowing where he is, how much he earns or how to collect from him. Roughly one third of all child-support cases involve parents living in different states—and women in such cases were twice as likely to get nothing as those with the father nearby, according to a 1990 General Accounting Office study.

The system is routinely maddening for women, but can sometimes be merciless to men, too. Fathers who want to have visitation orders enforced or who've hit hard times and want to have their support payments reduced will have to hire their own lawyers, even if they have no money; most states represent mothers for free in collection cases, fathers not at all. One Las Vegas man ended up paying for a judicial mistake for a decade. He had been dating a woman in Derry, N.H., for just about two months when she announced she was pregnant. He married her, but a year later, he says, he came home to discover she had cleaned out the house and left. Bitter and suspicious about the experience, he asked the court for a blood test to see if he was actually the father of the baby girl, but

the court denied the request out of fear that doing so would taint the child with the "implication of illegitimacy." He paid \$100 a month in child support sporadically, falling about \$5,500 behind at one point. He saw the girl a total of four or five weeks over the next 10 years and shifted between feeling defiant and guilty. "I never treated her like a real father treats a real daughter," he says. "You see dads all bright and aglow; I never had that. I kept thinking I was a bad dad." Finally, at the prompting of his new wife, he tricked his daughter into taking a blood test while she was visiting him in Las Vegas—and the test showed he was not her father.

Despite the many examples of governmental foul-ups, the system works much better than it did 10 years ago. Although the average support award is just \$57.59 per week, most courts have increased payment levels because Congress in 1984 required states to write specific child-support guidelines. As the issue has become politically hot, it has even seeped into electoral politics, in sometimes troubling ways. A fathers'-rights group in Las Vegas is running a slate of candidates in the elections for family-court judges, backing only those who, the group thinks, will lean more toward fathers in custody and support cases.

Reforming child-support policy may prevent a few families from entering into the war zone inhabited by people like John Chappell of Port St. Lucie, Fla., and his ex-wife Linda Place of Springfield, Va. She says he owes his three children more than \$20,000 in child support and reimbursement of medical expenses. Eleven-year-old Matthew spends weeks at a time in a hospital with a serious immune disorder; Place has so far been unable to afford specialized treatment at Duke University. Chappell used to earn \$26,000 a year as a medical-bill collector, but he was, until last Friday, unemployed. Place believes he was intentionally not working to avoid paying the \$540 a month and medical expenses. "There's



WILSON—NEWSWEEK (TOP); SLOAN—NEWSWEEK

Carolyn and Jewel Itschner have kept the service medals of their father, Drew (right), even though they haven't seen him for 12 years

nothing wrong with him that he could not maintain a job," says Place, who works 32 hours a week as a nurse and often sleeps in a cot by Matthew's bed. "He's removed himself from the situation so it's not real anymore. He doesn't go to the hospital every day and see Matthew with IVs and needles."

Chappell complains bitterly that his ex-wife is pursuing him out of "raw hate" and turning the children against him. He says his new job in a convenience store will enable him to pay more. "To me, this is a battle between her and me—not the kids," he says. He's right that the parents are the combatants, but he shouldn't delude himself about the names of the casualties. Matthew is growing up thinking that his debilitating illness might be better treated if only his father would pay more in child support. Chappell's oldest son, Chris, speaks in more emotional terms. "Not getting stuff hurts," says 14-year-old Chris, "but thinking that Dad doesn't care enough to support you—that really hurts. I don't think I'm ever going to forgive him. It's just too hard." Chris visited his father in Florida just last summer, and Chappell brought him on a special afternoon outing—to court. There, Chris got to watch the judge chastise his father for failure to pay child support, put him in handcuffs and lead him off to jail. ■

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. 03 83 HB 100 (RES)

Revision Date: 1/28/94 Dept. Affected: Health and Social Services
 Title: An act relating to early acknowledgement of paternity BRU: State Health Services
 Sponsor: B. Davis, Toohey Component: Bureau of Vital Statistics
 Requestor: House Finance COMPONENT SERIAL NO. #961

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	4.5	4.5	4.5	4.5	4.5	4.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	4.5	4.5	4.5	4.5	4.5	4.5

CAPITAL EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	4.5	4.5	4.5	4.5	4.5	4.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	4.5	4.5	4.5	4.5	4.5	4.5

POSITIONS:
 FULL-TIME
 PART-TIME
 TEMPORARY

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

Twelve thousand babies are born each year in this state. Four thousand of these births are to unwed mothers. This requires the printing and distribution of 5,000 pamphlets/year.

The cost incurred for the implementation of this bill would be the costs associated with the printing and distribution of the 5,000 pamphlets.

Printing	3.0
Mailing	1.5

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

Phone: (907) 465-3090
 Date: 01/28/94
 Date: 1-31-94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CS SS HB 128 (HES)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: "An Act relating to early acknowledgement of paternity for an unwed mother" ERU: Assistance Payments
 Sponsor: B. Davis Component: AFDC
 Requestor: _____ COMPONENT SERIAL NO. 0220

Expenditures/Revenues:		(Thousands of Dollars)					
OPERATING	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	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0	
REVENUE FUND SOURCE	0	0	0	0	0	0	

FUNDING:		(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	
05 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	
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS:							
FULL-TIME	0	0	0	0	0	0	
PART-TIME	0	0	0	0	0	0	
TEMPORARY	0	0	0	0	0	0	

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

Paternity establishment is a significant issue in the AFDC program because fathers cannot be held financially responsible for children born to unwed mothers unless paternity has been established under state law.

CSSS SB190 establishes new statutory requirements for acknowledgement of paternity. The new requirements are substantially the same as existing requirements and are not projected to have a significant impact on public assistance program costs.

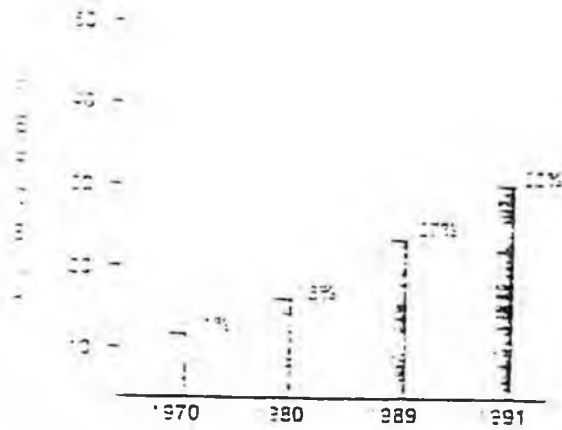
Prepared by: Jan L. Hansen, Director
 Division: Division of Public Assistance
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health & Social Services

Phone: 465-2680
 Date: 1/26/94
 Date: 1-31-94

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Overhead #1

Percent of out of wedlock births in America*

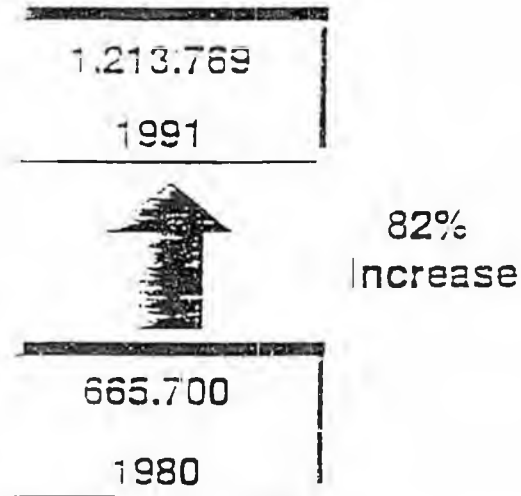


* Data from National Center for Health Statistics

- According to data from the National Center for Health Statistics, about 19.5% of births in the United States were to unmarried mothers in 1991 (the latest data we have).
- This is a substantial increase from a rate of 11% just twenty years ago.

Overhead #2

Number of Births To Unmarried Women



- In 1991, there were well over a million births to unmarried women.
- This represents an 82% increase over the number in 1980.

Overhead #3

Social and Economic Impact of Out of Wedlock Births

- Every hour 56 children are born to teenaged mothers:
 - Approximately 1 out of every 4 children are born out of wedlock:
 - 56% of women receiving AFDC have never been married:
 - The poverty rate for all women with children from absent parents is 32%.
-
- The high level of out-of-wedlock births has social and economic consequences.
 - Many of the mothers are teenagers. Every hour 56 children are born to teenage mothers.
 - Many of the mothers and children may end up on public assistance. 56% of women receiving AFDC have never been married.
 - Many of these families live in poverty. The poverty rate for all women with children from absent parents is 32%.

Conservatives' ^{ADN} new 'index' finds ^{3/16/93} society slipping

By PETER A. BROWN

Scripts Howard News Service

WASHINGTON — Conservatives have come up with a way to quantify the decline in cultural values they have long sought to make a political issue.

William Bennett, a Cabinet member in the Reagan and Bush administrations, Monday announced an "Index of Leading Cultural Indicators" which he said shows that "over the last three decades we have experienced substantial social regression."

The index measures, among other things, welfare caseloads, out-of-wedlock births, crime rates, divorce rates, single-parent families and Scholastic Aptitude Test scores.

Employees of three conservative groups — Bennett's Empower America, The Heritage Foundation and the Free Congress Foundation — analyzed the data and compared the changes on a per-capita basis.

They found, for instance, that out-of-wedlock births were 5.3 percent of the nation's total in 1960 but 28 percent in 1990 — a more than 500 percent increase, when the population grew only 41 percent during the same period.

They found that single-parent families were 9.1 percent of all families with children in 1960, but 28.6 percent in 1991. And the percent of children

who receive Aid to Families with Dependent Children, the major welfare program, jumped from 3.5 percent in 1960 to 12.9 percent in 1991.

Bennett said that despite revisions in the SAT grading system, scores still have dropped about 8 percent since 1960. He said SAT scores dropped at the same time that government spending on education — adjusted for inflation — more than doubled.

Bennett offered a series of ideas to reverse the trends: using the Internal Revenue Service to collect child support from "dead-beat dads"; having hospitals establish paternity at the time of birth; tripling the personal income tax exemption for children; rescinding no-fault divorce laws for parents with children; and much tougher sentences for criminals.

Bennett said that he did not think the large increases in government spending during the 1960-90 period had caused the societal decline spotlighted by his index.

But he said he felt that the government programs may have created harmful incentives by shifting the emphasis from family and private solutions to problems.

"The thesis is: Government can't do it all and in fact, government can't do very much" about these problems, he said.

HB

136

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO:

No. 4
Bill Version: CSHB 136 (JUD)
(H) Publish Date: 3/26/93

Revision Date: 3/24/93 Dept. Affected: Public Safety
Title: "An Act relating to offenses of driving while
intoxicated and refusal to submit to a breath test." BRU: Motor Vehicles
Sponsor: Representative Mulder Component: Driver Services
Requestor: House Judiciary COMPONENT SERIAL NO. 500

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	108.0	108.0	108.0	108.0	108.0	108.0

FUNDING: (Thousands of Dollars)

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

Changes in SCS (SIB) (175) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.
3/24/93 126
date Comte Aide (initial)

POSITIONS:

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

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

ANALYSIS: (Attach a separate page if necessary.)

It is estimated that 30% of all persons whose license is revoked as a first offender DWI will request a limited license. In 1992, there were approximately 3600 drivers license revocations for first offender DWIs. Charging a \$100.00 limited license application fee will generate approximately \$108.0 in revenue to the general fund.

Prepared By: Juanita Hensley Phone: 465-4351
Division: Motor Vehicles Date: 3/24/93
Approved by Commissioner: [Signature] Date: 3/24/93
Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTES

FISCAL NOTE

No. 7
 Bill version: CSHB 136 (FIN)
 (H) Publish Date: 4/13/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to the offense of driving while intoxicated..." BRU: _____
 Sponsor: Rep. Mulder Component: _____
 Requestor: House Finance COMPONENT SERIAL NO. _____

Expenditures/Revenues:

	(Thousands of Dollars)				1858	
	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
CAPITAL						
REVENUE FUND SOURCE	GF/PR 1005	1043.6	1043.6	1043.6	1043.6	1043.6

FUNDING:

	(Thousands of Dollars)					
	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6
1008 GF/MHTA						
Other						
TOTAL	1043.6	1043.6	1043.6	1043.6	1043.6	1043.6

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS:

(Attach a separate page if necessary)

See attached fiscal analysis.

Changes in CS CSHB 136 (H25) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

4/13/93 LD
 date Comte Aide (initial)

Prepared by: Dana LaTour, Legislative Liaison
 Division: Office of the Commissioner
 Approved by Commissioner: Lloyd G. Rupp, Commissioner
 Agency: Department of Corrections

Phone: 465-3376
 Date: 04-05-93
 Date: 04-05-93

ORIGINAL

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FISCAL NOTE ANALYSIS
CSHB 136 (JUD)
Page 2

CSHB 136(JUD) provides for the placement of offenders, convicted of DWI or refusal to submit to a breath test, in a community residential center or other facilities. The bill requires the offenders to pay up to \$1000 of the cost of their imprisonment. The bill also requires the offender to perform community service work.

1992 DWI Offenses	X	Assumed Conviction Rates	Convicted Offenders
3532	1st offense	65%	2261
1124	(one prior offense)	75%	843
407	(two prior offenses)	80%	326
276	(three prior offenses)	80%	221

Using those numbers:

$$2261 - 226 \text{ (10\% indigent offenders)} = 2035 \text{ offenders} \times 3 \text{ days} \times \$60 \text{ day} = \$ 366,300$$

$$843 - 84 \text{ (10\% indigent offenders)} = 759 \text{ offenders} \times \$1000 = \$ 759,000$$

$$407 - 41 \text{ (10\% indigent offenders)} = 366 \text{ offenders} \times \$1000 = \$ 366,000$$

$$276 - 28 \text{ (10\% indigent offenders)} = 248 \text{ offenders} \times \$1000 = \$ 248,000$$

The total amount charged annually should be approximately \$1,739,300. Assuming that 60% of the amount charged is collected, a total of \$1,043,580 should be generated each year from the program.

FISCAL NOTE

No. 6

Bill Version: CSHB 136 (JUD)

(H) Publish Date: 3/26/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to the offenses of DWI and refusal to submit to a breath test . . ." BRU: Public Defender
 Component: Public Defender
 Sponsor: Representative Mulder
 Requestor: _____ COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS

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

Estimate of current year (FY93) impact: \$ none

Changes in CS CSHB 136 (H&S) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: (attach a separate page if necessary.)

4/21/93 date bt Comte Aide (initial)

Prepared By: John Salemi, Public Defender Phone: 274-1684
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usura Date: 3/10/93
 Agency: Department of Administration

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FISCAL NOTE

No. 5
 Bill Version: CSHB 136 (JUD)
 (H) Publish Date: 3/26/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____
 Title: 'An Act relating to limited driver's licenses
and to the offenses . . .
 Sponsor: Representative Mulder
 Requestor: House Judiciary

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

EXPENDITURES/REVENUES:

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

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

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

POSITIONS:

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

Changes in SCS 136 (JUD) have no fiscal impact. This fiscal note is appropriate.

4/21/93 date h.j. Comte Aide (initial)

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 274-1684
 Date: _____

Approved by Commissioner: Nancy Bear Usery
 Agency: Administration

Date: 3/10/93

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FISCAL NOTE

No. 2

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: CSHB 136 (HES)
(H) Publish Date: 3/5/93

Revision Date: March 1, 1993
Title: *...relating to limited driver's licenses and...
driving while intoxicated...refusal to submit...*
Sponsor: Representative Mulder
Requestor: Representative Mulder

Department Affected: Department of Law
BRU: Legal Services
Component: Operations
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

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

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

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

FUNDING:

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

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

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

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Changes in SCS CSHB 136 (HES) have no fiscal impact. This fiscal note is appropriate.

4/2/93
date

64
Comptroller (initial)

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division
Approved by Commissioner: Richard I. Peques (FOR)
Agency: Department of Law

Phone: 465-3672
Date: March 1, 1993
Date: March 1, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO.

CSHB 136(HES)

No. 2

pg 2 of 2

ANALYSIS (Continued):

The workdraft version of CSHB 136 (HES), dated 2/26/93, substantially amends the state's laws relating to driving while intoxicated and refusal to submit to a breath test. The bill's amendments primarily address sentencing provisions which occur after prosecution. For the most part, the amendments will not have a fiscal impact on the Department of Law.

The major feature of the bill provides the minimum mandatory period of imprisonment, 72 hours for a first offense and 20 days for a second offense shall be served at a community residential center or, if a center is not available, at another appropriate facility determined by the commissioner of corrections. The bill further provides that the cost of the imprisonment shall be paid by the person who is sentenced. And the bill provides that the state shall seek reimbursement from a person's permanent fund dividend, in cases where a person has not paid for the cost of imprisonment. The Department of Law's civil division currently collects unpaid criminal fines and would collect unpaid imprisonment costs that result from the adoption of these provisions.

The department's attorney, who is responsible for the collection of unpaid criminal fines, is assisting the sponsor's staff to clarify the language in Section 5 and Section 6 to insure that the bill's cost reimbursement provisions are straightforward and enforceable. Otherwise, it may not be possible to collect unpaid imprisonment costs without incurring costs greater than the unpaid amount. Consequently, it will probably not be possible to collect unpaid costs, unless these sections are clarified. We also note that requiring DWI and breath test refusal offenders to pay the cost for their imprisonment may cause a legal problem, because other offenders are not required to pay the cost of their imprisonment.



Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair
Philip R. Volland, Vice Chair

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Duane S. Udland
Rep. Fran Ulmer

February 10, 1993

Representative Eldon Mulder
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

RE: HB 136; DWI

FEB 15 1993

Dear Representative Mulder:

I am writing with respect to your proposed legislation altering DWI penalties. Your legislation encourages the housing of DWI prisoners in halfway houses and strengthens the fines and forfeiture provisions of the current law.

One of the Sentencing Commission's major recommendations is well served by your legislation -- the increased use of halfway houses. Clearly, the great majority of DWI offenders could be more cheaply and more effectively punished in the setting you propose (halfway houses with community service) than in hard beds. As you know, many DWI offenders in Anchorage and Fairbanks already serve their sentences in halfway houses.

While the Commission did not specifically make a recommendation as to the use of community service while in halfway houses, your proposal is certainly consistent with their general recommendations. You might also consider a requirement for alcohol screening and education while at the halfway house. We have discussed a similar program with representatives of MADD. I recommend you consult with both DOC and MADD.

The commission recommended the increased use of fines and forfeitures, but as alternatives to jail time rather than as additional penalties. The commission generally recommended the use of fines scaled to the offender's income, which would seem appropriate in DWI cases. See 1992 ASC Report at p. 11. The Commission also recommended that the legislature investigate alternatives to the current three day minimum sentence for first time DWI offenders. At p. 44-45 of its 1992 report, the Commission recommends:

Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the

SENTENCING COMMISSION RECOMMENDATIONS

legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

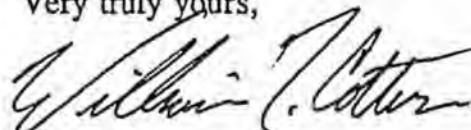
Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

The Commission certainly understands the political realities concerning DWI. Its recommendation quoted above was only made after a long discussion and consideration of all the issues. Nevertheless, if we are to address the current backlog of about 2500 misdemeanants waiting up to nine months to go to jail, within our current fiscal constraints, we must consider creative alternatives. I would ask you to consider whether some combination of community service, stiff fines (on a sliding scale dependent on income to increase the bite), and mandatory alcohol treatment could be substituted for the current required 72 hours in jail.

Please feel free to give me a call if you have any questions.

Very truly yours,



William T. Cotten
Executive Director

criticized for competing with the private sector, they have strong support from the general public. This recommendation was adopted without objection.

2. **Beginning immediately, the legislature should offer support and encouragement to criminal justice agencies in their efforts to reach creative, long-term solutions to budget reductions.**

Innovative ideas are necessary to cope with major budget reductions. The commission recommends that criminal justice agencies be allowed some discretionary funds for planning and for pilot programs. The Legislature also should support internal reallocation of budgets within agencies to achieve long-term budget reductions.

Agencies will need the encouragement of the Legislature and the Governor to try new ideas without the immediate assumption that such changes are unacceptable. If state revenues in fact decline by \$1 billion over the next 10 years, people will need to change their expectations of what government can do. The results of the focus groups indicate that people think the state should take financial considerations into account in devising a suitable system of punishment. All branches of government should work to educate the public on the budget impacts of their programs and to provide information necessary to make difficult choices. This recommendation was adopted without objection.

3. **Beginning immediately, Department of Corrections should establish a plan to allow offenders convicted of driving while intoxicated (DWI) and driving with license suspended or revoked (DWLS/R) to serve their sentences without a long delay (currently nine months in some locations).**

Far and away the most common criminal offense is driving while intoxicated. In 1990, 2544 DWI offenders served time in Department of Corrections facilities. 1629 of these were first-time DWI offenders with an average sentence of five days. Another 2255 people served time in one of the 19 local jails, which are run on contract with the Department of Public Safety, serving an average sentence of three days. As of October 1992, about 960 DWI offenders were on waiting lists with the Department of Corrections, waiting up to nine months to serve their sentences.

In order to clear up the backlog and to provide specific programming appropriate for drunk drivers, the Department of Corrections should investigate the use of low-security facilities to process large numbers of DWI and DWLR/S offenders in the bigger communities. Offenders serving short sentences in halfway houses should not be mixed with offenders being reintegrated into the community at the end of long sentences.

4. **Beginning immediately, the legislature should amend the law providing that DWI first offenders must be sentenced to jail for at least three days. Instead the legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively.**

The commission recognizes that drunk driving is a serious offense which must be deterred, but believes that the current law does not represent the most cost-effective

approach. The Department of Corrections estimates that housing DWI offenders costs approximately \$6 million per year, even though many DWI offenders are already serving their sentences in halfway houses. This does not represent the full cost of housing drunk drivers, since many first and second offenders are housed in local jails.

Jail time is only one part of the sentence for DWI in Alaska. First time DWI offenders also are required to follow the treatment recommendations made by the state alcohol screening program, pay a fine of at least \$250, and have their driver's license suspended for 90 days. For second offenses, the fine rises to \$500 and the period of suspension to 365 days. AS 28.35.030; AS 28.15.171. In addition, the offender's insurance rates are likely to go up. The commission does not recommend changes in these aspects of the DWI sentence.

While the mandatory jail term may have some added deterrent value, there are many less costly approaches. Other jurisdictions have used a variety of successful programs that publicly identify offenders, and require community service from them, like wearing an orange vest to pick up trash along the highway. The commission recommends that the legislature work with representatives of groups like Mothers Against Drunk Drivers to formulate a plan that will deal with this serious problem more effectively. This recommendation passed, nine in favor and four opposed.

The Department of Corrections should increase the use of alternative punishments as part of some presumptive sentences. The commission recommends that the Department of Corrections pursue an active policy for some presumptively sentenced offenders that substitutes time spent in alternative punishment programs for time in prison, within the limits of public safety. High supervision programs such as community residential centers, treatment programs, intensive supervised probation, and day reporting centers can control risk to the public, provide rehabilitative opportunities, and fulfill the goals of presumptive sentencing at lower cost than spending the entire presumptive term in prison.

The commission believes that its support for presumptive sentencing is compatible with its support for alternative punishments. Alaska case law already provides that time spent in custodial programs such as community residential centers and residential treatment programs must be credited to the offender's time served, just like incarceration. Regardless of whether the correctional budget is reduced, the commission has already recommended that these alternatives be routinely used for presumptively sentenced offenders during the final portion of their sentences, to help them make their transition back to the community. For many offenders, these alternatives may also be safely and effectively used for longer periods of time. The commission recommends strong oversight for these offenders, along with careful monitoring and evaluation of their programs. See Section II-A of this report.

The Department of Corrections currently is seeking a legal opinion on whether it may furlough presumptively sentenced offenders to their homes in order to participate in highly structured programs such as intensive supervised probation and day reporting centers. See AS 33.30.111. If this cannot be done under current statutes, the commission

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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

MEMORANDUM

March 24, 1993

SUBJECT: Sectional Summary of CSHB 136(JUD) ***Note: This Sectional Analysis still applies to the current version of the bill

TO: Representative Eldon Mulder

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Allows the Department of Public Safety to terminate an administrative driver's license revocation and reissue a driver's license to a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the conditions set out under AS 28.15.181(e), relating to meeting the required minimum revocation period, alcoholism treatment, and paying the required fee.

Section 2. Reduces the mandatory minimum period of driver's license revocation for a conviction based on driving while intoxicated or refusal to take a breath test from five years to three years if the person is a third time offender, and from ten years to five years for a person convicted four or more times.

Section 3. Allows a court to terminate a driver's license revocation of a person convicted of driving while intoxicated or refusal to take a breath test, if the person meets the required minimum revocation period, and complies with the conditions set out in AS 28.15.211(d) and (e) relating to alcoholism treatment, and paying the required fee.

Section 4. Allows a court to impose limitations on a driver's license if the court determines the person meets certain conditions (imposed under (b) of this section) and the court determines that the limitations will allow the person to earn a livelihood. Allows the court or the Department of Public Safety to grant limited

SECTIONAL ANALYSIS

license privileges if the person was convicted of driving while intoxicated, but not if convicted of refusal to take a breath test, the person is a first time offender and the person meets the other conditions set out in (d)(3) - (5) of this section.

Section 5. Requires a person convicted of driving while intoxicated or refusal to take a breath test to take certain alcoholism treatment, before receiving a new driver's license.

Section 6. Imposes a fee of \$100 for a person applying for a limited driver's license under sec. 4.

Section 7. Specifies that a person convicted of driving while their driver's license is revoked, suspended, or in violation of a limitation cannot get a limited driver's license.

Section 8. Provides that a first or second time D.W.I. offender will serve prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of D.W.I. to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

Section 9. Definition.

Section 10. Provides that a person convicted of refusal to take a breath test for the first or second time will serve their prison time at a half-way house or other appropriate facility determined by the commissioner of corrections. Requires a person convicted of refusal to take a breath test to pay the costs of imprisonment, up to a maximum of \$1,000, unless the person is indigent. Provides that for costs of imprisonment not paid, the person's permanent fund dividend may be used to pay those costs, including a dividend issued to a person determined to be indigent. Required that certain community service work be performed and that the commissioner of corrections determine the uniform average cost of imprisonment for purposes of determining the cost of imprisonment to be paid by the person.

Section 11. This section sets out the effect certain sections of the bill have on Alaska Rule of Criminal Procedure 32(b).

Section 12. Applicability section.

Section 13. Effective date.

SENATE COMMITTEE REPORT

DATE: 4/21/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 4/22/93

JUDICIARY Committee considered CS FOR HOUSE BILL NO. 136(FIN)

"An Act relating to revocation of and limitations on a driver's license; to the offenses of driving while intoxicated and refusal to submit to a breath test; imposing a limited license fee; amending Alaska Rule of Civil Procedure 32(b); and providing for an effective date."

and recommends:

- replace with _____ CS _____ (_____)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Corrections	4-5-93		1043.6
Admin. (2)	3-16-93	✓	
Public Safety	3-24-93		108.0
LAW	3-01-93	✓	

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

Donna Dowley No REC

Deanne R. Hutto No Rec

Robin L. Taylor - No rec.

Chair: Signature and Recommendation



ALASKA STATE LEGISLATURE HOUSE OF REPRESENTATIVES

REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-FT. RICHARDSON

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Sponsor Statement for SCS CS HB136 (HES) **Representative Eldon Mulder**

House Bill 136 is a product of the Alaska Sentencing Commission's recommendations for increasing the usage of alternative sentencing. The purpose of the bill is two-fold; to crack down on DWI offenders by offering more serious and immediate punishment, and to do so in a manner that would help ease some of the financial burden on the Department of Corrections, and hence, the State.

The bill requires first and second time DWI offenders and those who refuse to submit to a breath test to serve their time in community residential centers and perform community work service while at the center. In cases where a community residential center is not available, another appropriate placement will be determined by the commissioner of corrections. In addition, the bill requires that all (not just first and second) DWI offenders, no matter where they are imprisoned, pay for the cost of their incarceration, up to a maximum of \$1,000. Unpaid costs are to be collected from the offender's permanent fund dividend check. "Cost of imprisonment" is defined in the bill to mean a uniform average cost of imprisonment that is determined and prescribed by regulation by the commissioner of corrections. This ensures that everyone pays the same rate, no matter where they are incarcerated.

The bill also contains several sections pertaining to limited licenses in relation to DWI offenses. Under current law, someone with up to six DWI offenses can obtain limited license privileges. HB 136 would reduce limited license privileges down to first offenders only. Those convicted of refusing to submit to a breath test would not be eligible for any limited license privileges. It also requires that an individual must show proof of enrollment in, or have completed, an alcohol treatment program before they can obtain a limited license. In addition, the bill imposes a fee of \$100 for a person applying for a limited driver's license. This stipulation will generate a substantial amount of revenue, as indicated in the Department of Public Safety's fiscal note.

HB

137

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

WALTER J. HICKEL, GOVERNOR

REPLY TO:

PO BOX 112000
JUNEAU, ALASKA 99811-2000
PHONE (907) 465-3376

April 21, 1993

The Honorable Eldon Mulder
Alaska State House of Representatives
Capitol, Room 116
Juneau, AK 99811

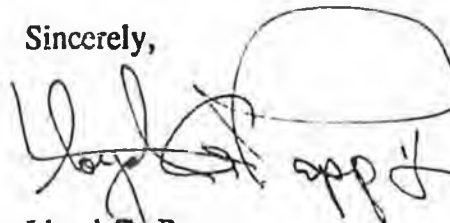
Dear Representative Mulder:

You have asked what plans the Department of Corrections has to insure that, if HB 137 passes, inmates eligible for discretionary medical parole will be informed about their options for continued medical care.

Institutional probation officers currently help inmates in understanding the application process for discretionary parole. It will be their responsibility to assist inmates applying for medical discretionary parole. Part of that application process will be a discussion and counseling regarding medical care options available once the inmate is no longer under supervision by the department. The department envisions working with the Department of Health and Social Services to assure that the eligibility requirements for Medicaid, Medicare and other programs are thoroughly understood by terminally ill inmates.

If you should have any further concerns, please let me know.

Sincerely,



Lloyd G. Rupp
Commissioner

STATE OF ALASKA
POSITION PAPER

DEPARTMENT OF CORRECTIONS

PHONE 465-3376 - FAX 465-2006

HB 137 "An Act authorizing special medical parole for terminally ill prisoners."

The Alaska Sentencing Commission has recommended that parole statutes be amended to allow special medical parole for terminally ill offenders. The Commission's report found that many offenders have serious medical problems that cost the Department a significant amount of money each year. The Commission expressed concern that as the inmate population ages and as the number HIV infected inmates increase the Department will face even higher inmate health care costs.

Currently, the Department can furlough a terminally ill person, but it will still be responsible for medical expenses. Medicare or Medicaid will step in only after the person has been released from DOC custody.

This legislation tries to establish a class of inmates who would be eligible for discretionary parole at an earlier date. The intention of this action is to reduce inmate medical costs.

Initially, there appears to be 8-10 offenders who might qualify for parole under the provisions of this bill. It should be noted that all inmates paroled under these provisions may not be eligible for government sponsored health care depending on their categorical qualification conditions for Medicaid or their age and their resulting qualification for Medicare.

It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost avoidance. The Department cannot reflect an actual budgetary reduction from current budget levels, since its budget is not currently being heavily impacted by terminally ill offenders. However, as the inmate population ages, the impact of this legislation could be significant.

Revised 3-18-93

- YES
 NO



Lloyd G. Rupp, Commissioner

Walter J. Hickel, Governor

Sectional Analysis for CS HB 137(JUD)

Section 1.

Adds the language "special medical" to AS 33.16.010(d). This is a conforming amendment to the addition of "special medical parole" as a type of parole under section 4 of the bill.

Section 2.

Adds a new subsection to AS 33.16.010 to allow someone who is eligible to be released on special medical parole by the Parole Board under new AS 33.16.085. This is also a conforming amendment to section 4 of the bill.

Section 3.

Amends AS 33.16.060, relating to the duties of the parole board, to include considering the suitability of a prisoner who is eligible for special medical parole and, relating to the board adopting regulations under the Administrative Procedures Act, to establish standards for the suitability of a prisoner for special medical parole. This is also a conforming amendment to section 4 of the bill.

Section 4.

Adds a new section to AS 33.16 pertaining to special medical parole. Allows the Board to grant, upon application by the prisoner or the commissioner, special medical parole to a prisoner who is serving a term of at least 181 days if the board determines: that the prisoner is suffering from a terminal illness and a reasonable probability exists that the prisoner will not violate laws or conditions imposed by the board; the prisoner will not pose a threat of harm to the public; and if the release of the prisoner on parole would not diminish the seriousness of the crime.

This section also allows the board to rescind or revise a previously granted parole release date if it discovers new information or a change in circumstances concerning a prisoner who had already been granted a special medical parole release date.

This section also instructs the board to issue its decision in writing and to provide a basis for its decision.

Finally, Section 4 of the bill also adds new section 33.16.87 pertaining to the rights of victims in connection with special medical parole. If a victim of a crime requests notice of a scheduled hearing to review special medical parole for a prisoner, the board must send notice of the hearing with the application for parole.

Section 5.

Adds the language "special medical" to AS 33.16.140, pertaining to the order for parole. This is also a conforming amendment to section 4 of the bill.

Section 6.

Adds the language "special medical" to AS 33.16.150(a). This is also a conforming amendment to section 4 of the bill.

Section 7.

Adds the language "special medical" to AS 33.16.150(b), relating to the board's conditions of parole. This is also a conforming amendment to section 4 of the bill.

Section 8.

Adds the language "special medical" to AS 33.16.200, relating to custody of a parolee. This is a conforming amendment to section 4 of the bill.

Section 9.

Amends AS 33.16.900 by adding a new paragraph defining "special medical parole."



ALASKA STATE LEGISLATURE HOUSE OF REPRESENTATIVES

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- CO-CHAIR -
MILITARY AFFAIRS FOR
ANCHORAGE CAUCUS

SPONSOR STATEMENT Representative Eldon Mulder

CS HB137(IUD)

House Bill 137 is a product of one of the Alaska Sentencing Commission's recommendations to the Legislature. It is also a cooperative effort between the Department of Corrections, the Parole Board, and myself. The bill is a cost avoidance measure intended to save the Department of Corrections, and hence the State, a considerable amount of money in the future.

House Bill 137 relates to special medical parole for terminally ill prisoners. The Department of Corrections is responsible for inmates' medical costs as long as they remain in custody. Covering health costs is a serious financial burden, particularly when a terminal illness is involved. Once paroled, their medical costs could be picked up by Medicare or Medicaid, thus easing the financial burden on the Department of Corrections, and hence the State.

This bill would allow the parole board, when appropriate, to grant special medical parole for terminally ill patients. The bill contains certain criteria that the Board must follow before parole can be granted. It must determine that: the prisoner is suffering from a terminal illness, a reasonable probability exists that the prisoner will not violate any laws or conditions imposed by the Board, the prisoner will not pose a threat to society, and that release of the prisoner would not diminish the seriousness of the crime.

Passage of this bill should save the State of Alaska a substantial amount of money in the future. I urge the Committee to support House Bill 137.

FISCAL NOTE

r 3
 Bill Version: CSHB 137 (JUD)
 (H) Publish Date: 4/1/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act authorizing special medical parole for terminally ill prisoners . . ." BRU: Public Defender
 Component: Public Defender
 Sponsor: Representative Mulder
 Requestor: (H) Fin COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS

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

Estimate of current year (FY93) impact: \$ none

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usura Date: 3/30/93
 Agency: Department of Administration

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Page 1 of 1

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act authorizing special medical parole for terminally ill ..." BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: Representative Mulder
 Requestor: House Finance COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS

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

Estimate of current year (FY93) impact: \$ None

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 Usery Date: 3/20/93
 Agency: Department of Administration

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FISCAL NOTE

No. 1

Bill Version: HB 137

(H) Publish Date: 3/1/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act authorizing special BRU: Statewide Programs
medical parole for terminally ill prisoners " Component: Inmate Health Care
 Sponsor: Rep. Mulder
 Requestor: Rep. Mulder COMPONENT SERIAL NO. 705

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis

Prepared by: Dana LaTour, Special Assistant Phone: 465-3376
 Division: Office of the Commissioner Date: 2-22-93
 Approved by Commissioner: Lloyd G. Ruop Date: 2-22-93
 Agency: Department of Corrections

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HB 137

NO. 1

pg. 2 of 2

Fiscal Note Analysis

HB 137 "An Act authorizing special medical parole for terminally ill prisoners."

Page 2

It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. There are currently 8 - 10 inmates who could be considered terminally ill. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time, there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost aversion. Therefore, the Department cannot reflect an actual budgetary reduction from current budget levels in this fiscal note. As the inmate population ages, the impact of this legislation could be significant.

SENATE COMMITTEE REPORT

DATE: 4/21/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 5/6/93

JUDICIARY Committee considered CS FOR HOUSE BILL NO. 137(JUD)

"An Act authorizing special medical parole for terminally ill prisoners."

and recommends:

- replace with _____ CS _____ (_____)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Corrections	2-22-93	✓	
DCA (OPA)	3-30-93	✓	
DCA (pub def)	3-30-93	✓	

Appropriation No Fiscal Note

DO PASS:

George Tacko

OTHER RECOMMENDATIONS:

Suzanne Little No Rec

Adrian L. Taylor *Do Pass*

Chair: Signature and Recommendation



Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair
Philip R. Volland, Vice Chair

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Rep. Fran Ulmer

February 9, 1993

FEB 15 1993

Representative Eldon Mulder
Alaska State Legislature
State Capitol
Juneau AK 99801-1182

FEB 15 1993

RE: HB 137; Special Medical Parole

Dear Representative Mulder:

I am writing about your proposed legislation on special medical parole. This legislation would implement the Sentencing Commission's recommendation that a special medical parole for terminally ill offenders be allowed in appropriate cases, in order to shift the huge medical costs in these cases from the state to the federal government. The Commission recommended:

Parole statutes should be amended to allow special medical parole for terminally ill offenders. Many offenders have serious medical problems that cost the Department of Corrections an extraordinary amount of money. The AIDS epidemic has not yet had a serious impact on Alaska prisons, but prison populations in some East Coast states are reported to be 40% HIV positive. In addition, there are a number of inmates serving long sentences who can be expected to grow old in prison.

DOC currently can furlough a terminally ill person, but it still will be responsible for medical expenses. Medicare or Medicaid will pick up the person's medical costs only upon release from DOC custody. The parole board should be allowed to grant parole to terminally ill offenders. DOC should study the offender population and devise a system to achieve this objective. This recommendation passed unanimously.

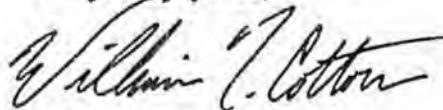
SENTENCING COMMISSION SUPPORT

Your legislation appears to be a measured response to the fiscal problem the Commission addressed. First, it creates a special medical parole for terminally ill prisoners. Second, it allows the parole board to limit use of the provision to offenders who will not pose a danger to society. Clearly, not all terminally ill prisoners would be appropriate candidates.

The need for legislation such as HB 137 is substantial now, and will increase as time goes by. My understanding is that the state has paid well over a half a million dollars for health care for two terminally ill prisoners in the last two years. We can expect these numbers to dramatically increase over the next few years, because of an aging prison population generally and because of AIDS.

On behalf of the Alaska Sentencing Commission, I would urge the Legislature to adopt legislation like HB 137 which allows special medical parole for appropriate terminally ill prisoners. Please feel free to call me if I can be of assistance.

Very truly yours,



William T. Cotton
Executive Director

WTC:erm