

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8639 HOUSE JUDICIARY

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: No. 3
Bill Version: SB7
(S) Publish Date: 3/9/95

Revision Date: _____ Dept. Affected: Public Safety
Title: An Act relating to bail after conviction BRU: Alaska State Troopers
for various felonies, if previous convictions exist. Component: Detachments
Sponsor: Senator Salo
Requestor: (S) Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

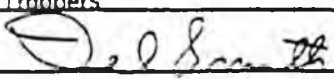
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ -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

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

Prepared By: Francis C. Allan Phone: 269-5591
Division: Alaska State Troopers Date: 01/26/95
Approved by Commissioner:  Date: 2/10/95
Agency: Ronald I. Orre, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 2
Bill Version: SB 7
(S) Publish Date: 3/9/95

Revision Date: February 7 1995 Dept. Affected: Public Safety
 Title: No bail for felons with prior felony convictions BRU: Council on Domestic Violence & Sexual Assault
 Component: Council on Domestic Violence & Sexual Assault
 Sponsor: Senator Salo
 Requestor: (S) Judiciary COMPONENT SERIAL NO. 0521

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 95) impact: \$ 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

ANALYSIS: (Attach a separate page if necessary.)
 Section 1 establishes the intent of the legislature to restrict the availability of bail after the conviction for certain felons.
 Section 2 expands AS 12.30.040 (b) which currently prohibits bail following conviction pending sentencing or appeal when the felony is an unclassified felony or a Class A felony. This bill would add the bail prohibition to include current convictions of a class b or class c felony when the felon has committed prior unclassified or class A offenses, or has been convicted of the specific crimes against persons of stalking, sexual assault in the second and/or third degree, and sexual assault of a minor in the second and/or third degree.
 There is no fiscal impact for the Council on Domestic Violence & Sexual Assault

Prepared By: Jayne E. Andreen Phone: 465-1356
 Division: Council on Domestic Violence and Sexual Assault Date: 2/9/95
 Approved by Commissioner: [Signature] Date: 2/10/95
 Agency: Ron Otte, Dept. of Public Safety

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FISCAL NOTE

No. 1
 Bill Version: SB7
 (S) Publish Date: 3/9/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to bail after conviction for various felonies if the defendant has certain previous felony convictions."
 Sponsor: Sen. Salo
 Requestor: (S) JUD

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES					
TRAVEL					
CONTRACTUAL					
SUPPLIES					
EQUIPMENT					
LAND & STRUCTURES					
GRANTS, CLAIMS					
MISCELLANEOUS					
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts					
1003 GF Match					
1004 GF					
1005 GF/Program Receipts					
1006 GF/MHT/A					
OTHER					
TOTAL	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary.)

No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 3/9/95

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SB

14

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 11
Bill Version: CSSB 14(Jud)
(S) Publish Date: 3/15/95

Revision Date: _____
Title: "An Act relating to criminal mischief."
Sponsor: Senator Leman
Requestor: _____

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	77.6	77.6	77.6	77.6	77.6	77.6
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	10.0	10.0	10.0	10.0	10.0	10.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	15.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	104.6	89.6	89.6	89.6	89.6	89.6

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	104.6	89.6	89.6	89.6	89.6	89.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	104.6	89.6	89.6	89.6	89.6	89.6

Estimate of any current year (FY 95) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: John B. Salemi, Director
Division: Public Defender Agency

Phone: (907) 264-4412
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 3/15/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 14 (JUD)

ANALYSIS: (continued)

CSSB 14 requires that minors charged with Criminal Mischief in the Third or Fourth Degree be prosecuted as adults for those misdemeanor offenses in district court. This provision applies to criminal mischief "joyriding."

Under present law, these cases are handled by family court. Family court matters involving property offenses are often handled informally. Even if formally adjudicated, they are much less labor intensive than matters prosecuted in adult court.

The Department of Law estimates that they will prosecute 500 additional misdemeanors as a result of this change in the law. This is a significant revision of their original fiscal note on the introduced version of this bill wherein Law projected 99 new cases per year.

Law anticipates that most cases of this nature will be sited in Anchorage and environs. The cases will be processed as district court matters.

Given the Department of Law's projections, the Public Defender Agency anticipates a fiscal impact if this bill becomes law. As all of these additional cases will involve juvenile defendants, virtually all of them will meet the financial guidelines regarding qualification for Public Defender services. The PD expects to receive between 90 to 95 percent of the 500 new misdemeanors which the Department of Law will file.

PD staff attorneys who do misdemeanor work in Anchorage typically carry caseloads of between 100 and 150 cases. These lawyers process up to 500 misdemeanor cases per year. National caseload standards, developed by the National Advisory Commission on Criminal Justice Standards, establishes a 400-case-per-year maximum for a defense attorney doing misdemeanor level work.

Given the fact that the PD staff doing misdemeanors in Anchorage is already saturated with cases, a new entry-level misdemeanor position will have to be established to meet the new cases generated by this legislative proposal. In addition, one half-time legal secretary will be required to open these new cases, do word processing, file appropriate court documents, and handle calendaring matters.

BUDGET ANALYSIS

	Anchorage <u>Attorney II</u>	Anchorage <u>Legal Secretary I (PPT)</u>	<u>TOTAL</u>
Personal Services	60.6	17.0	77.6
Travel	0.0	0.0	0.0
Contractual	6.5	3.5	10.0
Supplies	1.0	1.0	2.0
Equipment (one time)	<u>6.5</u>	<u>8.5</u>	<u>15.0</u>
TOTAL	74.6	30.0	104.6

03/06/95

Position Information Inquiry/Update

14:13:38

Position: 02-02#111	Project: 0	Salary Costs: 43,644.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 16,925.78
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 60,569.78

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

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.0
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @
	Class/Sched Prefix: 0 Schedule: AA (actual:
	Bargaining Unit: XE Range: 19 (actual:
	Location Code: EBA Place: ANCHORAGE
	Job Class Code: P7143 Title: ATTORNEY II
	Seasonal Indic.: F Type: _____

Optional Override Salary Rates:

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

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0

03/06/95

Position Information Inquiry/Update

14:14:05

Position: 02-02#112	Project: 0	Salary Costs: 12,378.00
Component: 02-65-07-01-00-00	Region:	Benefits Costs: 4,652.85
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 17,030.85

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

00/00/00	Step: A for 6.0 months & Step: B for 0.0 months (total: 6.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 2 Schedule: 2A (actual:)
	Bargaining Unit: GG Range: 10 (actual:)
	Location Code: EBA Place: ANCHORAGE
	Job Class Code: P1145 Title: LEGAL SECRETARY I _____
	Seasonal Indic.: P Type: -

Optional Override Salary Rates:

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

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0_

FISCAL NOTE

No. 10

Bill Version: CSSB 14/95

BILL (S) Publish Date: 3/4/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: 3/2/95 Dept. Affected: Department of Law
 Title: "An Act relating to criminal mischief." BRU: Prosecution
 Component: Third Judicial District
 Sponsor: Senator Leman
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 0087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	51.4	51.4	51.4	51.4	51.4	51.4
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	12.0	12.0	12.0	12.0	12.0	12.0
SUPPLIES	3.3	3.3	3.3	3.3	3.3	3.3
EQUIPMENT	15.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	81.7	66.7	66.7	66.7	66.7	66.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	81.7	66.7	66.7	66.7	66.7	66.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	81.7	66.7	66.7	66.7	66.7	66.7

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill will require that minors charged with criminal mischief in the third or fourth degree for joyriding be prosecuted as adults for those misdemeanor offenses in District Court.

Currently, these offenses are being handled by the Division of Family and Youth Services as juvenile matters. As a result, the Department of Law estimates that about 500 new misdemeanors will need to be prosecuted. In its previous comments on this bill, the department estimated that about 99 new offenses would occur; however, this number was in error because it did not include DFYS handled cases that did not come to the department's attention.

The majority of cases will occur in Anchorage and the surrounding area. Although the penalties most likely used by the District Court will be less severe than those used for adults, leading to many guilty pleas, it will still be necessary for a prosecutor to attend and participate in arraignments, arrange for pleas for those defendants who plead guilty, conduct trials for those who do not, and attend sentencings. Furthermore, the public expects that the department will fully prosecute these types of crimes, which are causing an increasing level of aggravation for the public. In view of the Department of Law's high workload levels and its

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3/2/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/2/95
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 14 (JUD)

ANALYSIS CONTINUATION:

budgetary constraints, one part-time Attorney III and one part-time Legal Secretary I will be required in the Anchorage District Attorney's Office to handle these new cases.

	(PPT) <u>Attorney III</u>	(PPT) <u>Legal Secretary I</u>	<u>Total</u>
Personal Services	34.6	16.8	51.4
Travel	0.0	0.0	0.0
Contractual	7.2	4.8	12.0
Supplies	2.1	1.2	3.3
Equipment	<u>6.5</u>	<u>8.5</u>	<u>15.0</u>
Total	50.4	31.3	81.7

03/02/95

11:16:42.4

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 2

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

BRU NAME: PROSECUTION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R B C U	S	R&S MOS BUDG	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT	
<p>indictments and overcoming a tougher defense due to the substantially increased penalties.</p>											OTHER COSTS	0.00	
											TOTAL COSTS	53503.52	36603.52
											*** FUNDING DETAIL:		
											1004 GENERAL FUND RECEIPTS	36603.52	
											TOTAL FUNDING	36603.52	
03/069		ATTORNEY III	F	ANCHORAGE	A	XE	AA 22A 12	53304	0	18385	71689.98		
<p>*** JUSTIFICATION: This position will be needed to handle several hundred misdemeanor actions that will occur if alcohol or drug related offenses, now being handled administratively by the Division of Family and Youth Services, are moved to the District court for prosecution by state prosecutors.</p>											TRAVEL COSTS	0.00	
											CONTRACTUAL COSTS	8600.00	
											SUPPLIES COSTS	3300.00	
											EQUIPMENT COSTS	6500.00	
											OTHER COSTS	0.00	
											TOTAL COSTS	90089.98	71689.98
											*** FUNDING DETAIL:		
											1004 GENERAL FUND RECEIPTS	71689.98	
											TOTAL FUNDING	71689.98	
03/070		LEGAL SECRETARY I	F	ANCHORAGE	A	GG	2A 10A 12	25140	0	11463	36603.52		
<p>*** JUSTIFICATION: This position will be needed to handle several hundred misdemeanor actions that will occur if alcohol or drug related offenses, now being handled administratively by the Division of Family and Youth Services, are moved to the District court for prosecution by state prosecutors.</p>											TRAVEL COSTS	0.00	
											CONTRACTUAL COSTS	6000.00	
											SUPPLIES COSTS	2400.00	
											EQUIPMENT COSTS	8500.00	
											OTHER COSTS	0.00	
											TOTAL COSTS	53503.52	36603.52
											*** FUNDING DETAIL:		
											1004 GENERAL FUND RECEIPTS	36603.52	
											TOTAL FUNDING	36603.52	
03/073		ATTORNEY III	P	ANCHORAGE	A	XE	AA 22A 6	26652	0	7917	34569.32		
<p>*** JUSTIFICATION: If enacted, this bill will require that the Department of Law prosecute about 500 juveniles as adults in District court for criminal mischief in the third and fourth degree, primarily for "joyriding". The majority of these offenses occur in Anchorage and the surrounding areas. Therefore this position is needed in Anchorage to handle these cases.</p>											TRAVEL COSTS	0.00	
											CONTRACTUAL COSTS	7200.00	
											SUPPLIES COSTS	2100.00	
											EQUIPMENT COSTS	6500.00	
											OTHER COSTS	0.00	
											TOTAL COSTS	50369.32	34569.32
											*** FUNDING DETAIL:		
											1004 GENERAL FUND RECEIPTS	34569.32	
											TOTAL FUNDING	34569.32	

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03/02/95

11:16:42.6

PERSONAL SERVICES EXPENDITURES NEW POSITION DETAIL REPORT

PAGE: 3

DEPARTMENT OF LAW

SCENARIO: 2

COMPONENT #: 6501020300 NAME: THIRD JUDICIAL DISTRICT

BRU NAME: PROSECUTION

PCN	UNAUTH PCN	JOB CLASS TITLE	T S	LOCATION NAME	R C	B U	S	R&S BUDG	MOS	SALARY	PREM PAY	BENES	PER.SERV. COSTS	G. F. AMOUNT
03#074		LEGAL SECRETARY I	P	ANCHORAGE	A	GG	2A	10A	6	12378	0	4384	16762.25	

**** JUSTIFICATION:

If enacted, this bill will require that the Department of Law prosecute about 500 juveniles as adults in District Court for criminal mischief in the third and fourth degree, primarily for "Joyriding". The majority of these offenses occur in Anchorage and the surrounding areas. Therefore this position is needed in Anchorage to handle these cases.

TRAVEL COSTS	0.00
CONTRACTUAL COSTS	4800.00
SUPPLIES COSTS	1200.00
EQUIPMENT COSTS	8500.00
OTHER COSTS	0.00

TOTAL COSTS 31262.25 16762.25

*** FUNDING DETAIL:

1004 GENERAL FUND RECEIPTS

16762.25

TOTAL FUNDING 16762.25

**** COMPONENT TOTALS:

FULL TIME NEW POSITIONS	5
PART TIME/SEASONAL NEW POSITIONS	3
NON PERMANENT NEW POSITIONS	0
OTHER.....	0
=====	

TOTAL PERSONAL SERVICES 385675.52

TOTAL COSTS INC. ASSOC COSTS 526175.52

NUMBER OF NEW POSITIONS IN COMPONENT: 8

FUNDING DATA: G.F. & G.F. MATCH: 385675.52
OTHER FUNDS: 0.00

TOTAL FUNDING: 385675.52

4/4

FISCAL NOTE

No. 9

Bill Version: CS SB14

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CS

(S) Publish Date: 3/6/95

Revision Date: 3/3/95 Dept. Affected: Corrections
 Title: An Act relating to Criminal mischief BRU: community Corrections, statewide pr
 Component all

Sponsor: Sen. Leman
 Requester: Senate Judiciary COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (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

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This committee substitute alters the impact of SB 14 from the standpoint of the Department of Corrections. DOC does not expect any fiscal impact as a result of of this bill.

Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: Margaret M. Peck
 Agency: Department of Corrections

Phone: 465-4640
 Date: 1/25/95
 Date: 1/25/95

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FISCAL NOTE

No. 8

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO:

Bill Version: CSSB/4/5/00

(S) Publish Date: 3/6/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: Increased penalty for joyriding BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Leman
 Requestor: (S) Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 95) impact: \$ -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

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 02/28/95
 Approved by Commissioner: Ronald L. Otte Date: 3-2-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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 Dept. of Public Safety
 Feb 3/95

Fiscal Analysis

CS FOR SENATE BILL NO. 14 (JUD)

This legislation amends the criminal mischief statutes under AS 11.46.484 to provide for a felony offense for persons 18 years of age and older who have had a prior conviction within seven years. The legislation also provides that minors accused of "joyriding" offenses are treated as adults for judicial purposes. The legislation also provides for driver's license revocations for persons committing "joyriding" offenses.

The Alaska State Troopers respond to approximately 700 vehicle thefts of all types per year. Over the last three years, about 200 cases per year result in an arrest. Virtually all of those cases result in a plea bargain, as the Department of Law reported that only 2 cases statewide led to trial.

More than half of trooper "joyriding" cases are committed by minors. Upon completion of the investigation, these cases are referred to the Department of Health and Social Services. This bill will simply allow troopers to refer those cases to the Department of Law for prosecution in district court instead of to the Department of Health and Social Services.

The intent of this bill is to make minors accountable for the large percentage of vehicle theft cases they are responsible for. Further, this bill allows additional penalties (license revocations) for "joyriding" cases. This bill will not effect trooper operations in such a fashion that a fiscal impact will occur. The investigative process for these cases will not change, simply the routing of the paperwork. As a practical matter, any small increase in felony cases due to this bill will preempt investigating a few lower priority misdemeanor cases.

FISCAL NOTE

No. 7

Bill Version: CS SB 14 JUL

(S) Publish Date: 3/6/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO:

Revision Date: 2/14/95
Title: Increased penalties for jowriding

Dept. Affected: Public Safety
BRU: Motor Vehicles
Component: Driver Services

Sponsor: Senator Leman
Requestor: S. Judiciary

COMPONENT SERIAL NO. 0500

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

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING						
PERSONAL SERVICES	56.0	56.0	56.0	56.0	56.0	56.0
TRAVEL						
CONTRACTUAL	19.4	19.4	19.4	19.4	19.4	19.4
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	20.0					
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	96.4	76.4	76.4	76.4	76.4	76.4
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES (1004 Revenue Code)	171.0	171.0	171.0	171.0	171.0	171.0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	96.4	76.4	76.4	76.4	76.4	76.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	96.4	76.4	76.4	76.4	76.4	76.4

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Juanita M. Heasley Phone: 465-2650
 Division: Motor Vehicles Date: 3/1/95
 Approver by Commissioner: Ronald L. Otte Date: 3-2-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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Budget Section
Div. of Adm. Services
Dept. of Public Safety

Fiscal Analysis
CSSB 14(JUD)

CSSB 14(JUD) will require the court to revoke a driver license of any person convicted under the provisions of this bill. The Department of Law estimates approximately 1,000 persons a year will be convicted of offense of joyriding or criminal mischief. The courts are required to revoke a driver's license whether the person is convicted of a felony or misdemeanor joyriding offense.

The Division of Motor Vehicles would be required to update the driving record of a person whose license is revoked. Existing law requires the Department to notify the person by certified mail as to the period of revocation. One full-time Administrative Clerk III will be required to process the revocation paperwork, and computer entry. It is estimated 90 percent of all persons whose license is suspended or revoked will reinstate their driving privilege. A \$100.00 reinstatement fee is charged anytime a person has had their license suspended or revoked within 10 years preceding application for a driver's license. If the license was revoked or suspended more than one time within the 10 years preceding application for a driver's license, the reinstatement fee is increased to \$250.00. Each person who is reissued a license must pay a fee of \$15.00 for a new license. It is estimated the amount of additional new general fund program receipt revenue generated by this bill is approximately \$171.0.

OPERATING

	<u>FY96</u>	<u>FY97</u>
<u>Personal Services</u>		
Administrative Clerk III (Juneau)	\$38.0	\$38.0
Motor Vehicle Representative II (Anchorage) Part-time	18.0	18.0
<u>Contractual</u>		
Computer line charges (Mainframe Connection \$.05 per workstation)	\$1.0	\$1.0
Computer technical support (Configure system, install hardware & software)	5.0	5.0
Postage - certified mail - return receipt (1,000 revocation notices @ \$2.52 per notice)	2.5	2.5
Telephone lease and line charges	1.1	1.1
Office Space - Lease allocation (440 sq. ft. @ \$1.85 sq. ft.)	9.8	9.8
<u>Supplies</u>		
Routine office supplies	\$1.0	\$1.0
<u>Equipment</u>		
Complete Computer Workstations @ \$10.0 each (One time Costs)	\$20.0	
<u>TOTAL OPERATING</u>	\$96.4	\$76.4
<u>REVENUE</u>		
Reinstatement fee		
450 persons @ \$100.00	\$ 45.0	\$ 45.0
450 persons @ \$200.00	112.5	112.5
Reissue New License		
900 persons @ \$15.00	13.5	13.5
<u>TOTAL REVENUE</u>	\$171.0	\$171.0

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

03/02/95

Position Information Inquiry/Update:

10:55:47

Position: 12-125213 Project: 0 _____ Salary Costs: 24,972.00
 Component: 12-55-07-07-01-01 Region: _____ Benefits Costs: 12,994.88
 Scenario: 7 FY: 96 COLA %= 0.000 Total Costs: 37,966.88

 Actuals from Payroll (Status: FILLED) * Retirement Code: A

 A * Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
 34/10/16 * Merit Date; use merit defaults? N (3.5 @ B & 8.5 @ C)
 1 * Class/Sched Prefix: 1 Schedule: 1A (actual: 1A)
 GG * Bargaining Unit: GG Range: 10 (actual: 10)
 AWA * Location Code: AWA Place: JUNEAU
 P1135 * Job Class Code: P1135 Title: ADMINISTRATIVE CLERK III _____
 F * Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

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

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

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

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

03/02/95

Position Information Inquiry/Update

10:58:02

Position: 12-125234 Project: 0 _____ Salary Costs: 11,778.00
 Component: 12-55-07-07-01-01 Region: _____ Benefits Costs: 6,276.40
 Scenario: 7 FY: 96 COLA % = 0.000 Total Costs: 18,054.40

 Actuals from Payroll (Status: FILLED) Retirement Code: A

A ° Step: A for 6.0 months & Step: B for 0.0 months (total: 6.00)
 05/08/16 ° Merit Date; Use merit defaults? N (0.0 @ & 0.0 @)
 1 ° Class/Sched Prefix: 1 Schedule: 1A (actual: 1A)
 GG ° Bargaining Unit: GG Range: 09 (actual: 08)
 AWA ? ° Location Code: EBA Place: ANCHORAGE
 P7549 ? ° Job Class Code: P7550 Title: MOTOR VEHICLE REP II _____
 F ? ° Seasonal Indic.: S Type: FACL - FULL TIME / OMB AUTH

Optional Override Salary Rates:

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

Premium Pay Items/Amounts Budgeted

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

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

FISCAL NOTE

No. 6

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: CSSB14/JUD
Bill Version: 3/6/95
(S) Publish Date: 3/6/95

Revision Date: 03/02/95

Dept. Affected: Alaska Court Sys'am

Title: An Act relating to criminal mischief

BRU: Trial Courts

Sponsor: Sen. Leman

Components: _____

Requestor: _____

COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	51.6	51.6	51.6	51.6	51.8	51.8
TRAVEL						
CONTRACTUAL	1.4	1.4	1.4	1.4	1.4	1.4
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	1.0					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	55.0	54.0	54.0	54.0	54.0	54.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	55.0	54.0	54.0	54.0	54.0	54.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	55.0	54.0	54.0	54.0	54.0	54.0

POSITIONS

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 03/02/95

Approved by: Arthur H. Snowden, II, Administrative Director

Agency: Alaska Court System

Date: 03/02/95

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Alaska Court System
Fiscal Analysis
CSSB 14 (JUD)

CSSB 14 (JUD) amends the criminal mischief statutes to provide that a person who is convicted of auto theft or joyriding shall have the person's driver's license, privilege to drive, or privilege to obtain a license revoked. Periods of revocation shall be not less than 30 days for a first conviction, not less than one year for a second conviction, and not less than three years for a third or subsequent conviction.

The bill also provides that when a minor is accused of joyriding, the minor shall be charged, prosecuted, and sentenced in the district court in the same manner as an adult.

According to the Department of Law, there were approximately 450 minors who were accused of joyriding in FY 94. Approximately ten percent of those cases were referred by the Division of Family and Youth Services to the superior court, and none of those cases actually went to trial. Thus, the actual costs to the court system were relatively low. If CSSB 14 (JUD) had been law, all 450 cases would have been filed in district court. This would have meant 450 additional arraignments, approximately 445 additional sentencing hearings, clerical costs associated with processing the case documents, and a trial rate of approximately two percent (the rate at which adults go to trial for this type of misdemeanor). The trials would result in additional judicial time and juror costs. The clerical costs would be offset somewhat by the reduction of clerical costs in juvenile court.

Imposition of a long license suspension will increase the trial rate for adults charged with auto theft or joyriding, resulting in increased judicial time and jury costs (loss of license is one reason that DWI cases have a higher trial rate than other class A misdemeanor cases). The exact size of this increase is speculative, and this note assumes that it is offset by the savings in superior court time resulting from the transfer of juvenile joyriding cases to district court.

Alaska Court System
Fiscal Analysis
CSSB 14 (JUD)

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Court Clerk II, 10A, Anchorage, PFT, 12 months	\$24,012	\$11,416	\$35,428
District Court Judge, Pro Tem, 50% vested, Anchorage, PPT, 2 months	6,824	3,643	10,467
In-court Clerk, 12A, Anchorage, PPT, 2 months	4,518	1,188	<u>5,706</u>
Total Personal Services			51,602

This legislation will result in 450 new misdemeanor cases, which will require arraignments lasting an estimated 1/2 hour each and nine one-day misdemeanor trials. Approximately, 2 months of district court judge and in-court clerk time will be required for the arraignments and trials. Using existing staffing standards, one clerical position is required for every 350 case filings. Using this ratio, approximately one and one-quarter court clerks will be needed. However, clerical staffing needs are partially offset by the approximately 50 cases presently processed in juvenile court.

Contractual

Jury fees for 9 one-day trials with 6 jurors at \$25 a day per juror.	1,350
---	-------

Supplies

Office supplies for increased case filings and new employees	1,000
--	-------

Equipment (one-time cost)

Desk, chair and filing cabinet for the permanent full-time position	<u>1,000</u>
---	--------------

Estimated Total Cost	<u><u>\$54,952</u></u>
-----------------------------	-------------------------------

TO: Housse Jud. Committee

I urge you to pass SB14.

our daughters car was stolen &
totaled by vandalism just before
XMAS by JUVENILES.

OUR NEXT DOOR NEIGHBOR ALSO HAD
HIS CAR STOLEN & 10,000⁰⁰ WORTH OF
DAMAGE DONE.

IF THERE IS NO PENALTY IT WILL
CONTINUE.

REGARDS

Steve Dennis
209 FAWN CT.
ANCHORAGE



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

SPONSOR STATEMENT

SENATE BILL 14

"An Act relating to Criminal Mischief."

I have introduced Senate Bill 14 because of the recent increase in auto thefts, especially in urban areas, and the lack of convictions. Under the current law the crime of "joyriding" is a Class A misdemeanor, the second offense is a Class C felony. Joyriding is commonly associated with juveniles and SB 14 targets that group.

Juveniles account for more than half of all joyriding offenses. Without SB 14 there is no means to prosecute juveniles for this crime. Instead they are brought into the juvenile system and no real penalty is inflicted. Although locking away juveniles for this offense is not necessarily the answer, I believe this is a good start in making them responsible for their actions. A juvenile will be prosecuted, charged and sentenced the same as an adult. More importantly, a juvenile will also be responsible for paying restitution to the victim.

I urge you to support Senate Bill 14. This bill will help decrease the number of vehicles stolen, and the tremendous dollar losses suffered by insurance companies and the victims of theft.

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

March 14, 1995

SUBJECT: Sectional Summary of CSSB 14(JUD).
(Work Order No. 9-LS0142\R)

TO: Senator Loren Leman
Attn: Mary Vollendorf

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

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

Section 1 of the bill amends AS 11.46.484(c) to provide that if a person is 18 years of age or older and is convicted of joyriding for the second or subsequent time within the previous seven years then the person's current conviction is a class C felony instead of a class A misdemeanor.

Section 2 of the bill amends AS 11.46.486(a) to provide that a person commits the crime of criminal mischief in the fourth degree when they ride in a police or emergency vehicle that is being used in violation of AS 11.46.482(a)(5) (being joyridden). This section corrects an omission made when joyriding a police or emergency vehicle was made a class C felony in 1991. The offense of riding in a vehicle being joyridden, AS 11.46.486(a) was not expanded to cover this new offense. This bill section corrects this oversight.

Section 3 of the bill amends AS 12.55.135(f) to provide that the mandatory minimum term of imprisonment of that section does not apply to a defendant under 18 years of age.

Section 4 of the bill amends AS 28.15.181(a) to provide that a conviction for joyriding (criminal mischief in the second or third degrees) is grounds for the revocation of the person's driving privileges as provided in section 5 of the bill.

Section 5 of the bill amends AS 28.15.181(b) relating to the length of a suspension and the procedure for suspension of driving privileges under AS 28.15.181(a).

Senator Loren Leman
March 14, 1995
Page 2

Section 6 of the bill amends AS 47.10.010(b) to provide that when a minor is charged with a violation of AS 11.46.484(a)(2) (misdemeanor joyriding) or 11.46.486(a)(3) (riding in a vehicle being joyridden), the minor will be prosecuted in district court not juvenile court.

GPL:klb
95-160.klb

Statewide Motor Vehicle Thefts

	1990	1991	1992	1993	1994
Reported Offenses	3,311	3,257	3,138	2,889	3,432
Unfounded	308	293	257	300	266
Actual Offenses	3,004	2,964	2,881	2,589	3,166
Adult Arrests	555	430	378	342	403
Juvenile Arrests	227	211	170	203	205
Total Arrests	782	641	548	545	608

Source: Dept. of Public Safety, "Crime Reported in Alaska."

Alaska State Trooper Motor Vehicle Thefts

	1990	1991	1992	1993	1994
Reported Offenses	710	681	670	609	488
Unfounded	94	93	74	94	71
Actual Offense	616	588	596	515	417
Adult Arrests	144	109	107	88	85
Juvenile Arrests	119	101	87	87	61
Total Arrests	263	210	194	175	146

Note: In 1994 there were 28 watercrafts and one aircraft reported stolen to AST.

Source: Dept. of Public Safety, "Crime Reported in Alaska."

Anchorage PD Motor Vehicle Thefts

	1990	1991	1992	1993	1994
Reported Offenses	1,663	1,687	1,742	1,551	2,351
Unfounded	129	126	131	164	160
Actual Offenses	1,534	1,561	1,611	1,387	2,191
Adult Arrests	120	93	118	102	222
Juvenile Arrests	84	67	52	77	120
Total Arrests	204	160	170	179	342

Source: Dept. of Public Safety, "Crime Reported in Alaska."

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To	MARY		
From	DONNA		
Co.	SEN. LEMAN'S		
Co.	APD		
Dept.	Phone # 786-8596		
Fax # 465-3810	Fax # 786-8638		

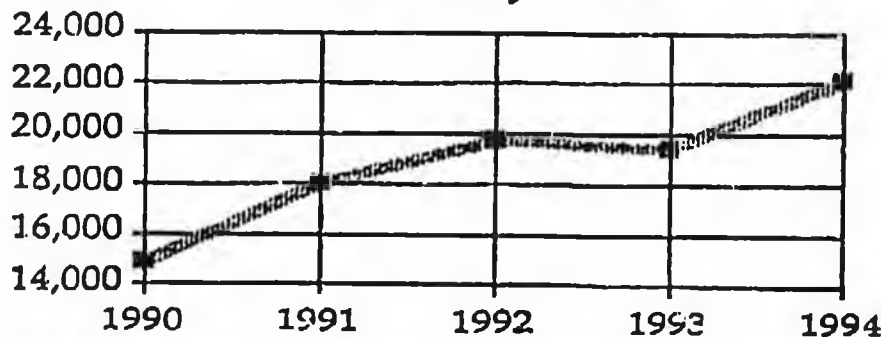
UCR-1

MAR 16 1995

Summary of UCR Actual Offenses 1990—1994

Classification Of Offenses	1990	1991	1992	1993	1994	% Var. '93-'94
Homicide	10	25	17*	25*	22*	-12%
Rape	203	264	253	212	198	-7%
Robbery	350	542	484	568	729	28%
Felony Assault	767	838	1,217	1,410	1,529	8%
Simple Assault	1,806	2,210	2,649	3,185	3,387	6%
Burglary	2,060	2,489	2,650	1,880	2,276	21%
Theft	8,083	9,967	10,813	10,660	11,717	10%
Stolen Auto	1,534	1,561	1,611	1,387	2,191	58%†
Arson	76	107	105	104	144	38%
TOTAL	14,889	18,003	19,799	19,431	22,193	14%

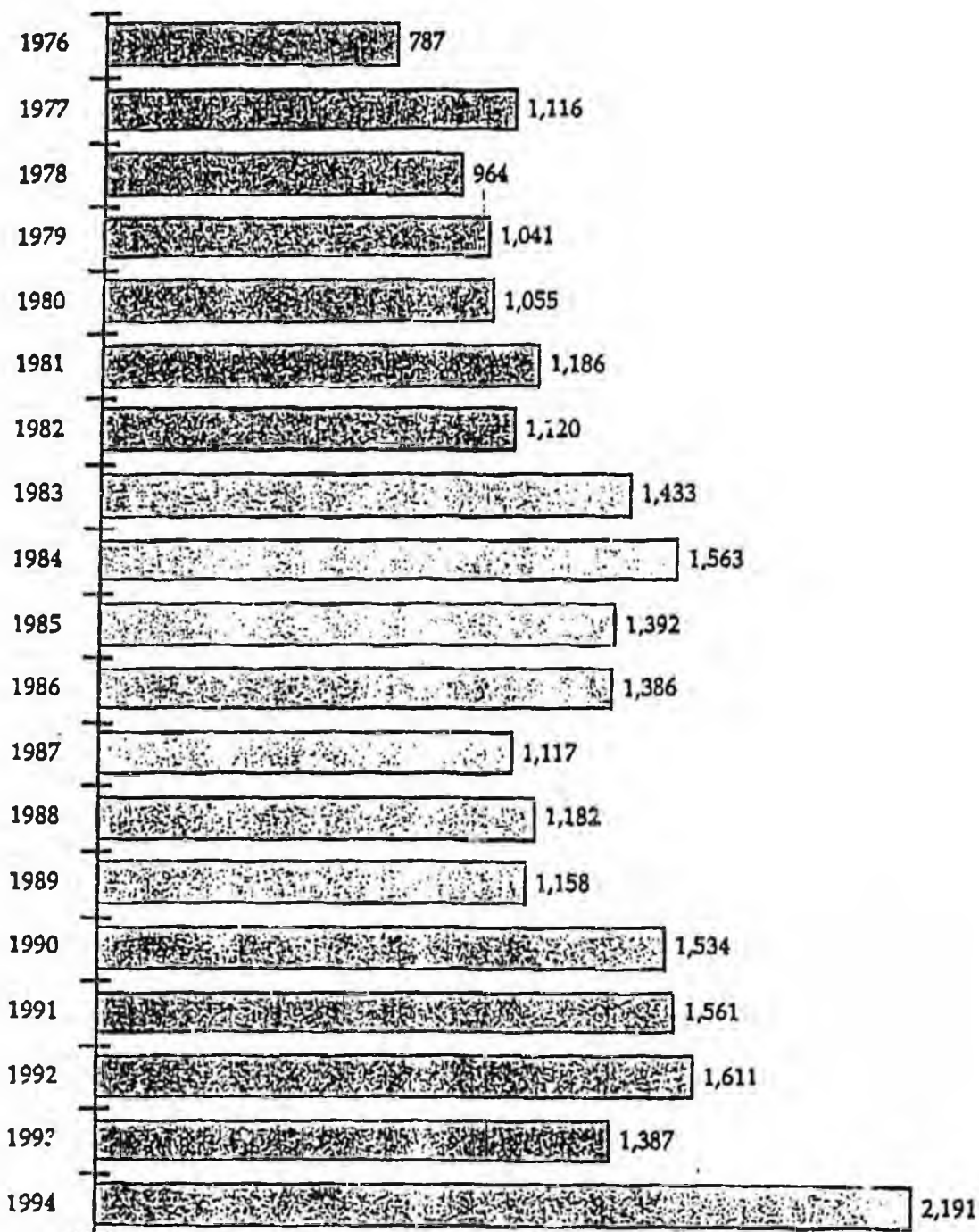
UCR Yearly Totals



* 1992 and 1994 additionally had one unfounded (justifiable) homicide and 1993 had two additional unfounded (justifiable) homicides.

Stolen Auto

1976—1994



M/V THEFTS TREND

	NUMBER OF OFFENSES	% CHANGE FROM PRIOR YEAR	RATE PER 100,000 % CHANGE FROM PRIOR YEAR
1988	2330		
1989	2367	+ 1.6%	-2.2%
1990	3004	+ 26.9%	+ 22.0%
1991	2964	-1.3%	-4.8%
1992	2881	-2.8%	-5.0%

Motor vehicle theft is defined as the theft or attempted theft of a motor vehicle.

1992 SUMMARY

A total of 2881 motor vehicles were reported stolen in 1992. This is a 2.8% decrease over the previous year.

Motor vehicle thefts accounted for 10.1% of the property crimes and 8.9% of the total crime index. Motor vehicle theft rate per 100,000 people was 513.4.

Automobiles had the highest percentage of motor vehicle thefts with 70.1% followed by trucks and buses with 19.3% and other vehicles making up 10.6%.

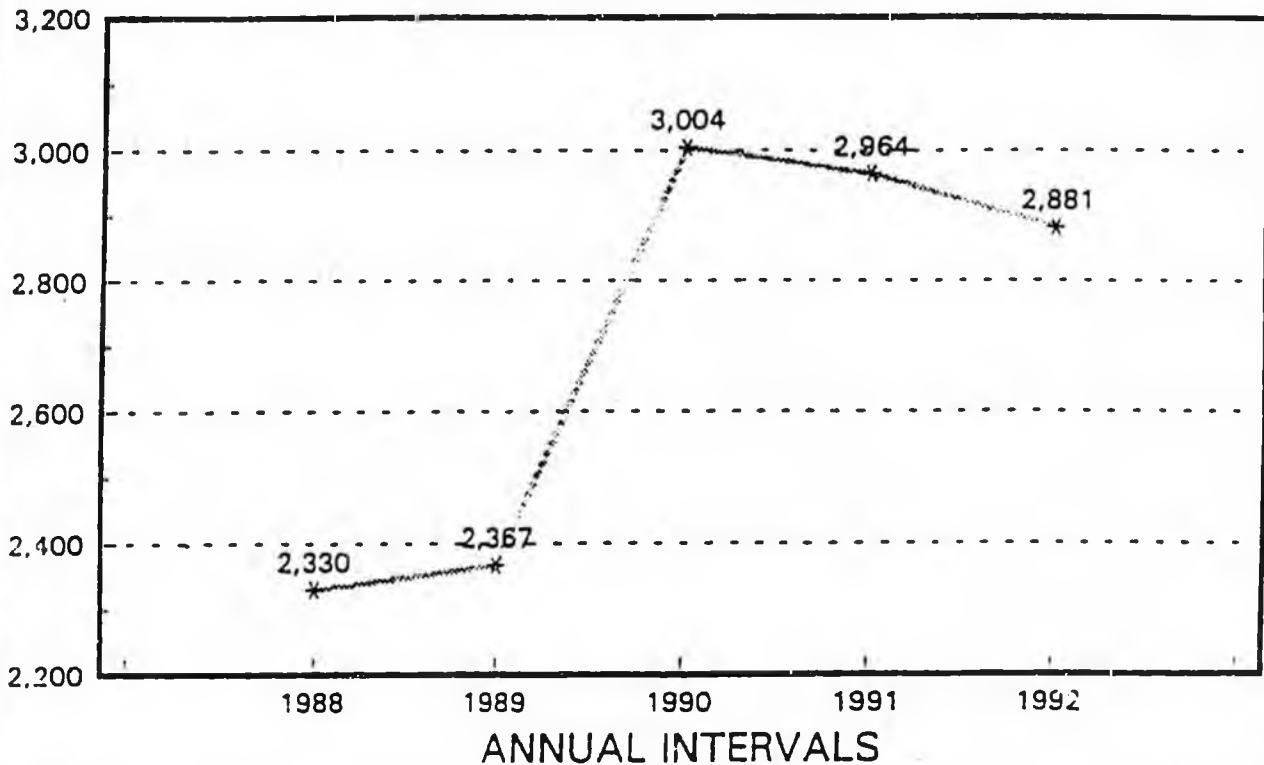
Fifteen year-olds had 14.5% of the arrests made for motor vehicle thefts followed by 13-14 year-olds having 13.6%.

The most motor vehicle thefts occurred in July with 277, and April had the least with 185.

Due to the rounding factor employed in the software, percentages presented will not always total 100%.

MOTOR VEHICLE THEFT TREND

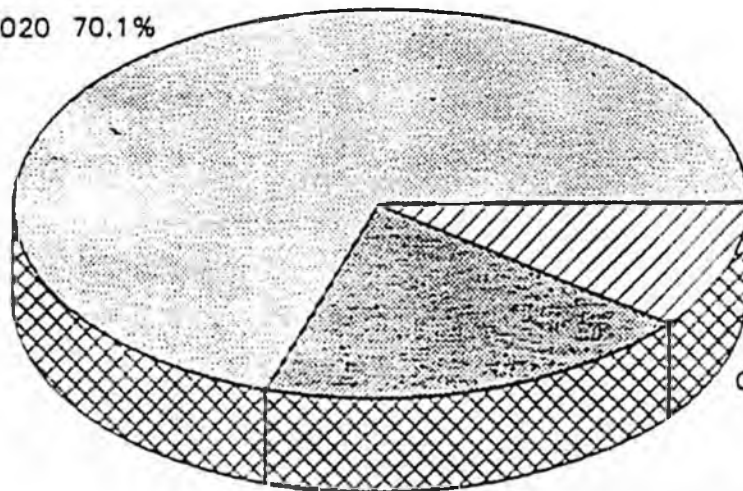
1988 through 1992



MOTOR VEHICLE THEFT 1992

Type of Vehicle

AUTO 2,020 70.1%

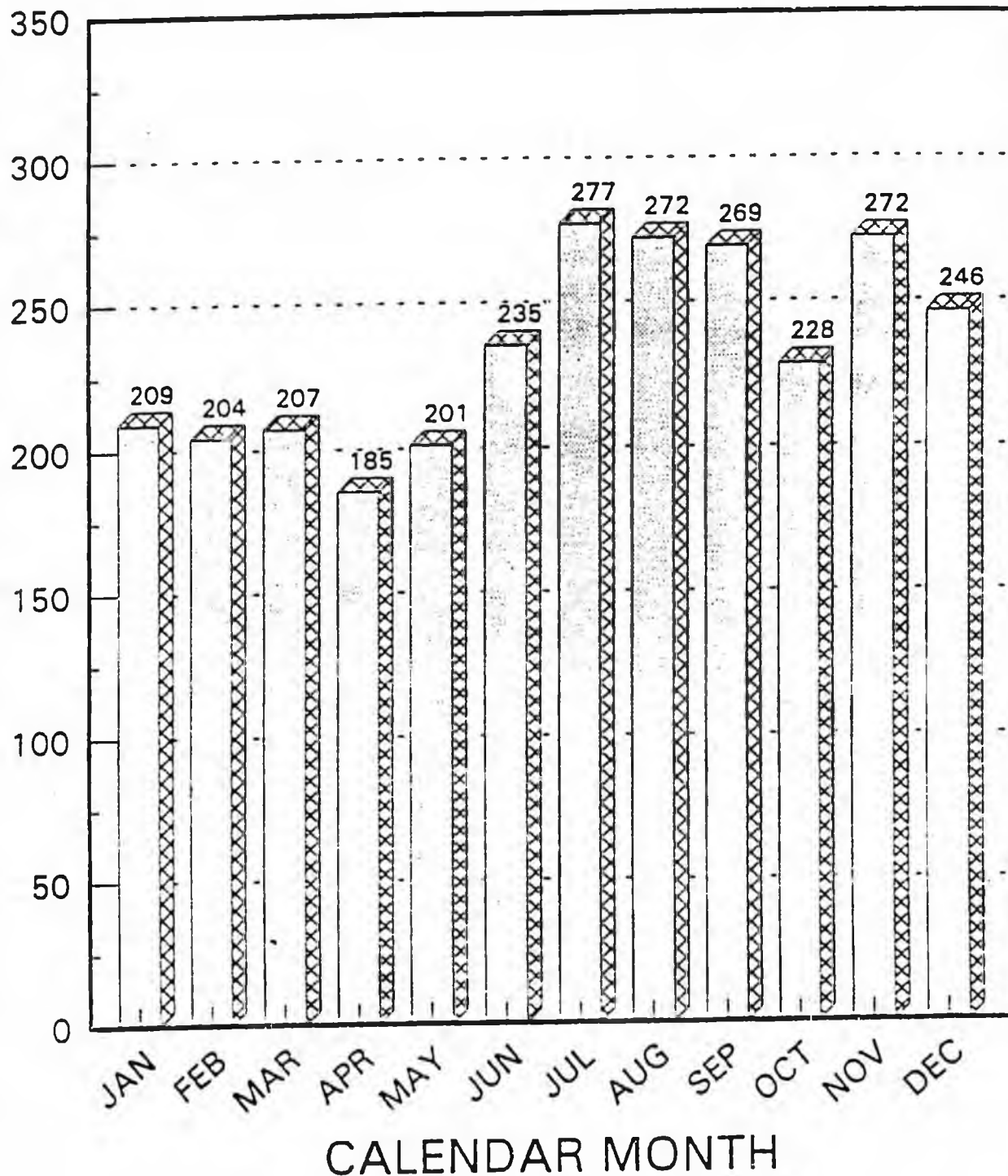


OTHER 305 10.6%

TRUCK/BUS 556 19.3%

MOTOR VEHICLE THEFT BY MONTH

1992



The reported count of 76 for Ketchikan PD was not used as the figure was not broken down into months.

M/V THEFT ARRESTS 1992
AGE, SEX

AGE GROUP	SEX	NUMBER
12 and under	M	5
	F	0
13-14	M	48
	F	13
15	M	58
	F	7
16	M	36
	F	1
17	M	47
	F	2
18	M	30
	F	1
19	M	17
	F	2
20	M	16
	F	1
21	M	16
	F	3
22	M	10
	F	2
23	M	7
	F	4
24	M	10
	F	0
25-29	M	41
	F	3

M/V THEFT ARRESTS 1992 (cont.)

AGE GROUP	SEX	NUMBER
30-34	M	27
	F	6
35-39	M	15
	F	3
40-44	M	7
	F	1
45-49	M	3
	F	1
50-54	M	2
	F	0
55-59	M	1
	F	0
60-64	M	1
	F	0
65 AND OVER	M	0
	F	0
TOTALS	M	397
	F	50

RACE OF OFFENDERS ARRESTED	
RACE	NUMBER
White	279
Black	61
Indian	103
Asian	4
TOTALS	447

OFFENSES KNOWN TO POLICE

CLASSIFICATION OF OFFENSES	OFFENSES REPORTED OR KNOWN	UNFOUNDED FALSE OR BASELESS	NUMBER OF ACTUAL OFFENSES	** OFFENSES CLEARED ** BY ARREST OR EXCEPTION	
				TOTAL	JUVENILES ONLY
CRIMINAL HOMICIDE					
MURDER & MANNING MANSLS	18		18	15	1
MANSLS BY NEGLIGENCE	5		5	2	
TOTAL	23		23	17	1
FORCIBLE RAPE					
RAPE BY FORCE	205	36	169	99	12
ATTEMPTED FORCIBLE RAPE	17		17	11	1
TOTAL	222	36	186	110	13
ROBBERY					
FIREARM	24	2	22	13	2
KNIFE/CUTTING INSTRMT	6		6	3	1
OTHR DANGEROUS WEAPON	1		1		
STRONG-ARM (HANDS, FISTS)	14		14	3	
TOTAL	45	2	43	19	3
ASSAULT					
FIREARM	253	19	234	193	20
KNIFE OR CUTTING INSTR.	209	13	196	167	17
OTHER DANGEROUS WEAPON	30		30	25	4
HANDS, FIST, FEET, AGGRAVTD	212	29	183	146	12
OTHER ASSAULTS - SIMPLE	2342	269	2073	1575	116
TOTAL	3046	330	2716	2106	169
BURGLARY					
FORCIBLE ENTRY	1239	79	1160	265	97
UNLAWFUL ENTRY - NO FORCE	474	35	439	139	45
ATTEMPTED FORCIBLE ENTRY	68		68	5	4
TOTAL	1781	114	1667	409	146
LARCENY					
THEFT (EX MOTOR VEHICLES)	4348	222	4126	774	259
TOTAL	4348	222	4126	774	259
MOTOR VEHICLE THEFT					
AUTOS	572	74	498	156	69
TRUCKS AND BUSES	24		24	13	4
OTHP VEHICLES	54		54	25	14
TOTAL	670	74	596	194	87
GRAND TOTAL	10135	778	9357	3629	678

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION OF OFFENSES	NUMBER OF ACTUAL OFFENSES		VALUE OF PROPERTY STOLEN	
MURDER/MANSLAUGHTER				
MURDER/NONNEG MANSLAUGHTER		18		
	TOTAL	18		
RAPE				
FORCIBLE RAPE		186		
	TOTAL	186		
ROBBERY				
HIGHWAY (STRT, ALLEYS, ETC)		2		
COMMERCIAL HOUSE		5	\$1,289.00	
GAS OR SERVICE STATION		3	\$451.00	
CHAIN STORE		9	\$3,597.00	
RESIDENCE		13	\$120.00	
BANK				
MISCELLANEOUS		11	\$240.00	
	TOTAL	43	\$5,697.00	
BURGLARY				
RESIDENCE (DWELLING)				
NIGHT (6PM - 6AM)	769		\$1,100,205.00	
DAY (6AM - 6PM)	249		\$563,737.00	
UNKNOWN				
NON-RESIDENCE (STORE ETC)				
NIGHT (6PM - 6AM)	487		\$1,512,051.00	
DAY (6AM - 6PM)	162		\$88,542.00	
UNKNOWN				
	TOTAL	1667	\$3,264,535.00	
LARCENIES BY VALUE (EX MV)				
\$200 AND OVER	1225		\$2,100,627.00	
\$50 TO \$200	425		\$46,321.00	
UNDER \$50	2476		\$6,237.00	
LARCENIES BY TYPE				
POCKET - PICKING	12		\$301.00	
PURSE - SWATCHING	16		\$5,065.00	
SHOPLIFTING	161		\$4,860.00	
FROM MOTOR VEHICLES	1164		\$399,923.00	
MOTOR VEH. PARTS & ACC.	53		\$23,121.00	
BICYCLES	94		\$20,774.00	
FROM BUILDINGS (EX C & H)	1252		\$662,551.00	
FROM ANY COIN-OP MACHINES	12		\$1,787.00	
ALL OTHER	1362		\$1,034,805.00	
	TOTAL	4126	\$2,153,185.00	\$2,153,187.00
MOTOR VEHICLE THEFTS				
MOTOR VEHICLE THEFTS	596		\$1,914,082.00	
MOTOR VEHICLES RECOVERED				
STOLEN & REC'D LOCALLY	169			
STOLEN LOC & REC'D OTHER	11			
STOLEN OTHER & RECD LOCAL				
	TOTAL	596	\$1,914,082.00	
GRAND TOTAL	6636		\$7,337,499.00	

PROPERTY STOLEN/RECOVERED BY TYPE

TYPE OF PROPERTY	VALUE OF PROPERTY STOLEN	VALUE OF PROPERTY RECOVERED
CURRENCY, NOTES, ETC.	\$541,668.00	\$77,191.00
JEWELRY & PRECIOUS METALS	\$649,274.00	\$33,468.00
CLOTHING AND FURS	\$108,072.00	\$9,869.00
LOCALLY STOLEN MOTOR VEH.	\$2,035,554.00	\$1,185,686.00
OFFICE EQUIPMENT	\$125,547.00	\$15,600.00
TV, RADIOS, CAMERAS, ETC.	\$1,460,756.00	\$31,951.00
FIREARMS	\$214,523.00	\$43,808.00
HOUSEHOLD GOODS	\$152,851.00	\$2,040.00
CONSUMABLE GOODS	\$34,642.00	\$6,320.00
LIVESTOCK	\$1,414.00	\$410.00
MISCELLANEOUS	\$1,993,198.00	\$262,173.00
GRAND TOTAL	\$7,337,499.00	\$1,668,516.00

OFFENSES KNOWN TO POLICE

CLASSIFICATION OF OFFENSES	OFFENSES REPORTED OR KNOWN	UNFOUNDED FALSE OR BASELESS	NUMBER OF ACTUAL OFFENSES	** OFFENSES CLEARED **	
				TOTAL	BY ARREST OR EXCEPTION JUVENILES ONLY
CRIMINAL HOMICIDE					
MURDER & MANNING MANSL	18	1	17	9	
MANSL BY NEGLIGENCE					
TOTAL	18	1	17	9	
FORCIBLE RAPE					
RAPE BY FORCE	221	5	216	18	2
ATTEMPTD FORCABLE RAPE	37		37	4	
TOTAL	258	5	253	22	2
ROBBERY					
FIREARM	157		157	23	7
KNIFE/CUTTING INSTRMT	55		55	10	1
OTHR DANGEROUS WEAPON	36		36	7	2
STRONG-ARM (HANDS,FISTS)	236		236	24	5
TOTAL	484		484	64	15
ASSAULT					
FIREARM	294		294	106	13
KNIFE OR CUTTING INSTR.	300	1	299	156	23
OTHER DANGEROUS WEAPON	456	2	454	217	32
HANDS,FIST,FEET, AGGRAVTD	170		170	86	4
OTHER ASSAULTS - SIMPLE	2660	11	2649	1499	134
TOTAL	3880	14	3866	2064	206
BURGLARY					
FORCIBLE ENTRY	1793	4	1789	103	24
UNLAWFUL ENTRY - NO FORCE	665	4	661	57	23
ATTEMPTED FORCIBLE ENTRY	201	1	200	4	
TOTAL	2659	9	2650	164	47
LARCENY					
THEFT(EX MOTOR VEHICLES)	10848	35	10813	2785	876
TOTAL	10848	35	10813	2785	876
MOTOR VEHICLE THEFT					
AUTOS	1157	88	1069	131	2
TRUCKS AND BUSES	417	38	379	35	9
OTHER VEHICLES	168	5	163	4	1
TOTAL	1742	131	1611	170	52
GRAND TOTAL	19889	195	19694	5278	1197

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION OF OFFENSES	NUMBER OF ACTUAL OFFENSES		VALUE OF PROPERTY STOLEN	
MURDER/MANSLAUGHTER				
MURDER/MONNEG MANSLAUGHTER	17		\$140,000.00	
TOTAL	17		\$140,000.00	
RAPE				
FORCIBLE RAPE	253		\$1,147.00	
TOTAL	253		\$1,147.00	
ROBBERY				
HIGHWAY (STRY, ALLEYS, ETC)	255		\$122,816.00	
COMMERCIAL HOUSE	98		\$54,440.00	
GAS OR SERVICE STATION	16		\$2,790.00	
CHAIN STORE	50		\$4,297.00	
RESIDENCE	47		\$33,201.00	
BANK	11		\$23,334.00	
MISCELLANEOUS	7		\$821.00	
TOTAL	484		\$241,699.00	
BURGLARY				
RESIDENCE (DWELLING)				
NIGHT (6PM - 6AM)	377		\$484,365.00	
DAY (6AM - 6PM)	534		\$1,078,534.00	
UNKNOWN	536		\$904,995.00	
NON-RESIDENCE (STORE ETC)				
NIGHT (6PM - 6AM)	566		\$500,266.00	
DAY (6AM - 6PM)	50		\$22,871.00	
UNKNOWN	587		\$779,421.00	
TOTAL	2650		\$3,770,452.00	
LARCENIES BY VALUE (EX MV)				
\$200 AND OVER	4403		\$4,672,141.00	
\$50 TO \$200	2425		\$302,844.00	
UNDER \$50	3985		\$744,265.00	
LARCENIES BY TYPE				
POCKET - PICKING	38		\$12,647.00	
PURSE - SWATCHING	24		\$5,573.00	
SHOPLIFTING	2746		\$303,763.00	
FROM MOTOR VEHICLES	2283		\$1,618,320.00	
MOTOR VEH. PARTS & ACC.	1779		\$1,271,999.00	
BICYCLES	595		\$168,234.00	
FROM BUILDINGS (EX C & H)	1126		\$619,333.00	
FROM ANY COIN-OP MACHINES	59		\$6,313.00	
ALL OTHER	2163		\$1,713,068.00	
TOTAL	10813	10813	\$5,719,250.00	\$5,719,250.00
MOTOR VEHICLE THEFTS				
MOTOR VEHICLE THEFTS	1611		\$11,393,875.00	
MOTOR VEHICLES RECOVERED				
STOLEN & REC'D LOCALLY	1339			
STOLEN LOC & REC'D OTHER	118			
STOLEN OTHER & RECD LOCAL	43			
TOTAL	1611	1500	\$11,393,875.00	
GRAND TOTAL				
	15828		\$21,266,423.00	

PROPERTY STOLEN/RECOVERED BY TYPE

TYPE OF PROPERTY	VALUE OF PROPERTY STOLEN	VALUE OF PROPERTY RECOVERED
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CURRENCY, NOTES, ETC.	\$950,143.00	\$33,714.00
JEWELRY & PRECIOUS METALS	\$1,720,911.00	\$151,717.00
CLOTHING AND FURS	\$727,443.00	\$88,717.00
LOCALLY STOLEN MOTOR VEH.	\$11,480,637.00	\$10,147,531.00
OFFICE EQUIPMENT	\$523,913.00	\$56,857.00
TV, RADIOS, CAMERAS, ETC.	\$2,585,641.00	\$110,757.00
FIREARMS	\$263,502.00	\$57,320.00
HOUSEHOLD GOODS	\$357,092.00	\$32,681.00
CONSUMABLE GOODS	\$111,684.00	\$27,040.00
LIVESTOCK	\$1,228.00	\$326.00
MISCELLANEOUS	\$2,544,229.00	\$361,010.00
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GRAND TOTAL	21,266,423.00	\$11,067,570.00

AGENCY: Fairbanks PD

MONTHS OF 1/92 to 12/92

OFFENSES KNOWN TO POLICE

CLASSIFICATION OF OFFENSES	OFFENSES REPORTED OR KNOWN	UNFOUNDED FALSE OR BASELESS	NUMBER OF ACTUAL OFFENSES	** OFFENSES CLEARED ** BY ARREST OR EXCEPTION	
				TOTAL	JUVENILES ONLY
<hr/>					
CRIMINAL HOMICIDE					
MURDER & NONNEG MANSL	2		2	2	
MANSL BY NEGLIGENCE					
TOTAL	2		2	2	
<hr/>					
FORCIBLE RAPE					
RAPE BY FORCE	57	1	56	11	1
ATTEMPTD FORCABLE RAPE	4		4		
TOTAL	61	1	60	11	1
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ROBBERY					
FIREARM	29	2	27	16	
KNIFE/CUTTING INSTRMT	9		9		
OTHR DANGEROUS WEAPON	2		2		
STRONG-ARM (HANDS, FISTS)	43	2	41	6	1
TOTAL	83	4	79	22	1
<hr/>					
ASSAULT					
FIREARM	28		28	14	
KNIFE OR CUTTING INSTR.	49		49	22	2
OTHER DANGEROUS WEAPON	70		70	35	5
HANDS, FIST, FEET, AGGRAVTD	54		54	24	5
OTHER ASSAULTS - SIMPLE	401		401	231	32
TOTAL	602		602	326	44
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BURGLARY					
FORCIBLE ENTRY	143		143	12	4
UNLAWFUL ENTRY - NO FORCE	94	1	93	7	4
ATTEMPTED FORCIBLE ENTRY	11	3	8	2	2
TOTAL	248	4	244	21	10
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LARCENY					
THEFT (EX MOTOR VEHICLES)	1587	5	1582	525	191
TOTAL	1587	5	1582	525	191
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MOTOR VEHICLE THEFT					
AUTOS	128	9	119	9	3
TRUCKS AND BUSES	88	7	81	6	2
OTHER VEHICLES	43	1	42	12	11
TOTAL	259	17	242	27	16
<hr/>					
GRAND TOTAL	2842	31	2811	934	263

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION OF OFFENSES	NUMBER OF ACTUAL OFFENSES		VALUE OF PROPERTY STOLEN	
MURDER/MANSLAUGHTER				
MURDER/NONHEG MANSLAUGHTER		2		
	TOTAL	2		
RAPE				
FORCIBLE RAPE		60		\$88.00
	TOTAL	60		\$88.00
ROBBERY				
HIGHWAY (STRT, ALLEYS, ETC)		36		\$8,610.00
COMMERCIAL HOUSE		18		\$6,311.00
GAS OR SERVICE STATION		1		\$300.00
CHAIN STORE		13		\$3,156.00
RESIDENCE		3		\$518.00
BANK		1		\$8,480.00
MISCELLANEOUS		7		\$1,359.00
	TOTAL	79		\$28,734.00
BURGLARY				
RESIDENCE (DWELLING)				
NIGHT (6PM - 6AM)		42		\$43,026.00
DAY (6AM - 6PM)		36		\$34,646.00
UNKNOWN		35		\$73,364.00
NON-RESIDENCE (STORE ETC)				
NIGHT (6PM - 6AM)		81		\$131,855.00
DAY (6AM - 5PM)		10		\$7,810.00
UNKNOWN		40		\$46,372.00
	TOTAL	244		\$337,073.00
LARCENIES BY VALUE (EX MV)				
\$200 AND OVER		632		\$609,390.00
\$50 TO \$200		364		\$41,437.00
UNDER \$50		586		\$9,738.00
LARCENIES BY TYPE				
POCKET - PICKING		5		\$1,710.00
PURSE - SNATCHING		15		\$15,824.00
SHOPLIFTING		515		\$17,112.00
FROM MOTOR VEHICLES		295		\$159,202.00
MOTOR VEH. PARTS & ACC.		40		\$9,872.00
BICYCLES		174		\$42,735.00
FROM BUILDINGS (EX C & H)		196		\$94,871.00
FROM ANY COIN-OP MACHINES		4		\$645.00
ALL OTHER		338		\$317,594.00
	TOTAL	1582	1582	\$660,565.00
MOTOR VEHICLE THEFTS				
MOTOR VEHICLE THEFTS		242		\$1,398,224.00
MOTOR VEHICLES RECOVERED				
STOLEN & REC'D LOCALLY		147		
STOLEN LOC & REC'D OTHER		53		
STOLEN OTHER & RECD LOCAL		6		
	TOTAL	242	206	\$1,398,224.00
GRAND TOTAL		2209		\$2,424,684.00

PROPERTY STOLEN/RECOVERED BY TYPE

TYPE OF PROPERTY	VALUE OF PROPERTY STOLEN	VALUE OF PROPERTY RECOVERED
CURRENCY, NOTES, ETC.	\$209,800.00	\$11,424.00
JEWELRY & PRECIOUS METALS	\$167,253.00	\$9,653.00
CLOTHING AND FURS	\$189,147.00	\$8,308.00
LOCALLY STOLEN MOTOR VEH.	\$1,284,499.00	\$1,180,901.00
OFFICE EQUIPMENT	\$48,363.00	\$690.00
TV, RADIOS, CAMERAS, ETC.	\$155,831.00	\$18,134.00
FIREARMS	\$22,221.00	\$5,330.00
HOUSEHOLD GOODS	\$9,725.00	\$2,103.00
CONSUMABLE GOODS	\$13,642.00	\$3,962.00
LIVESTOCK	\$450.00	
MISCELLANEOUS	\$323,753.00	\$124,485.00
GRAND TOTAL	\$2,424,684.00	\$1,364,890.00

AGENCY: Juneau PD

MONTHS OF 1/92 to 12/92

OFFENSES KNOWN TO POLICE

CLASSIFICATION OF OFFENSES	OFFENSES REPORTED OR KNOWN	UNFOUNDED FALSE OR BASELESS	NUMBER OF ACTUAL OFFENSES	** OFFENSES CLEARED ** BY ARREST OR EXCEPTION	
				TOTAL	JUVENILES ONLY
CRIMINAL HOMICIDE					
MURDER & MOWNEG MANSL					
MANSL BY NEGLIGENCE					
TOTAL					

FORCIBLE RAPE					
RAPE BY FORCE	5	2	3		
ATTMPTD FORCABLE RAPE					
TOTAL					

ROBBERY					
FIREARM	2		2		
KNIFE/CUTTING INSTRMT					
OTHR DANGEROUS WEAPON					
STRONG-ARM (HANDS, FISTS)					
TOTAL					

ASSAULT					
FIREARM	2		2	2	
KNIFE OR CUTTING INSTR.					
OTHER DANGEROUS WEAPON	15		15	11	
HANDS, FIST, FEET, AGGRAVTD	3		3	2	
OTHER ASSAULTS - SIMPLE	397		397	375	27
TOTAL					

BURGLARY					
FORCIBLE ENTRY	106		106	8	1
UNLAWFUL ENTRY - NO FORCE	10		10	1	
ATTEMPTED FORCIBLE ENTRY	1		1		
TOTAL					

LARCENY					
THEFT(EX MOTOR VEHICLES)	787		787	206	51
TOTAL					

MOTOR VEHICLE THEFT					
AUTOS	39		39	7	2
TRUCKS AND BUSES	1		1		
OTHER VEHICLES	16		16	2	2
TOTAL					

GRAND TOTAL					
	1384	2	1382	614	83

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION OF OFFENSES	NUMBER OF ACTUAL OFFENSES		VALUE OF PROPERTY STOLEN
MURDER/MANSLAUGHTER			
MURDER/NONNEG MANSLAUGHTER			
	TOTAL		
RAPE			
FORCIBLE RAPE		3	
	TOTAL		
ROBBERY			
HIGHWAY (STRT, ALLEYS, ETC)			
COMMERCIAL HOUSE		2	\$900.00
GAS OR SERVICE STATION			
CHAIN STORE			
RESIDENCE			
BANK			
MISCELLANEOUS			
	TOTAL		\$900.00
BURGLARY			
RESIDENCE (DWELLING)			
NIGHT (6PM - 6AM)	10		\$4,820.00
DAY (6AM - 6PM)	17		\$5,919.00
UNKNOWN	10		\$5,873.00
NON-RESIDENCE (STORE ETC)			
NIGHT (6PM - 6AM)	29		\$22,232.00
DAY (6AM - 6PM)	15		\$2,491.00
UNKNOWN	36		\$26,196.00
	TOTAL		\$67,531.00
LARCENIES BY VALUE (EX MV)			
\$200 AND OVER	281		\$260,001.00
\$50 TO \$200	234		\$25,685.00
UNDER \$50	272		\$3,679.00
LARCENIES BY TYPE			
POCKET - PICKING			
PURSE - SWATCHING			
SHOPLIFTING	169		\$6,792.00
FROM MOTOR VEHICLES	130		\$36,113.00
MOTOR VEH. PARTS & ACC.	1		\$50.00
BICYCLES	158		\$34,980.00
FROM BUILDINGS (EX C & H)	206		\$126,920.00
FROM ANY COIN-OP MACHINES			
ALL OTHER	123		\$84,610.00
	TOTAL	787	\$289,365.00
MOTOR VEHICLE THEFTS			
MOTOR VEHICLE THEFTS	56		\$181,900.00
MOTOR VEHICLES RECOVERED			
STOLEN & REC'D LOCALLY	53		
STOLEN LOC & REC'D OTHER			
STOLEN OTHER & RECD LOCAL			
	TOTAL	56	\$181,900.00
GRAND TOTAL	965		\$539,696.00

PROPERTY STOLEN/RECOVERED BY TYPE

TYPE OF PROPERTY	VALUE OF PROPERTY STOLEN	VALUE OF PROPERTY RECOVERED
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CURRENCY, NOTES, ETC.	\$50,734.00	\$7,788.00
JEWELRY & PRECIOUS METALS	\$25,310.00	\$3,003.00
CLOTHING AND FURS	\$23,776.00	\$4,391.00
LOCALLY STOLEN MOTOR VEH.	\$183,400.00	\$176,000.00
OFFICE EQUIPMENT		
TV, RADIOS, CAMERAS, ETC.	\$53,706.00	\$2,534.00
FIREARMS	\$13,725.00	\$4,147.00
HOUSEHOLD GOODS	\$6,750.00	\$4,435.00
CONSUMABLE GOODS	\$1,294.00	\$709.00
LIVESTOCK	\$10.00	\$10.00
MISCELLANEOUS	\$180,991.00	\$60,109.00

GRAND TOTAL	\$539,696.00	\$263,126.00



NEWSMAGAZINE

**Stop
stealing
our cars**

Anchorage
auto
thefts
soar in
'94



By
O'Harra

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ust after 2 a.m. that Tuesday, the streets of Spenard were almost deserted. A light snow had fallen during the dark January night, and few people were about. The taxi trade had hit slack time.

Several drivers had returned to Yellow Cab headquarters at Spenard Road and 36th Avenue for a break. Others were cruising the streets for fares. One cab was idling outside the office in the zero-to-10-degree weather. The driver had just stepped inside.

Suddenly, a man who'd been loitering at the corner jumped into the empty cab. In seconds, he accelerated the Chevy Caprice onto Spenard Road, then whipped eastbound on 36th Avenue. Then he was gone.

He'd stolen the car.

More than six times every day, someone steals a vehicle in Anchorage, often under identical circumstances — car or truck idling outside the door, temporarily unattended by the driver. Last year, a record 2,415 vehicles were reported stolen in Anchorage — up 75 percent from the previous year, and a big increase over the five-year average of 1,450 vehicles stolen per year, according to Anchorage police.

"A lot of them are opportunistic," says police Detective Rod Bennett, the only full-time car theft investigator in the city. "If they see them running, they jump in — and away they go."

Most of the time, owners find out their cars have been stolen when they discover an empty parking spot. But this time, cab dispatcher Dave Million saw the taxi wheel out — and he alerted the other drivers. As the cabbies scrambled for their taxis, Million called police and reported the theft. It was 2:19 a.m. on Jan. 10.

Continued on Page 10

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CAR THEFT

There were eight on hand. Milton says he saw the thieves as soon as they stepped into the dark shopping streets. Milton got the word to other car companies. They had a minute, police officers added a few dozen calls were going out on the radio and in Mattown streets just east of Anchorage.

The chase was short. According to Anchorage police, cables relayed information through Milton to 911 dispatchers — tracking the car as it continued east on 14th, north on A Street, then back west on 14th.

There, Anchorage police found the taxi wedged into a snow berm on the side of the road at about 2:22 a.m. — about three minutes after it had been stolen, heading from the car in the new snow were fresh tracks.

The snow showed about a four-noon hour. There was a pretty much perfect set of foot prints, said Officer Rodney Ryan.

Meanwhile, Milton relayed word to police dispatchers that ranimes had seen a man running up 14th Avenue. Ryan and officer Keith Gordon, using a police dog, converged on an apartment building. Within minutes, they'd taken 21-year-old Matthew Renterna into custody and charged him with misdemeanor criminal mischief — by running.

"I got a look at his shoe prints, and they

matched to the tire tracks," he said. The car was returned and back in service with only minor scrapes, according to Milton.

Over the past year, hundreds of Anchorage residents have experienced similar car thefts. Only a handful of vehicles — Anchorage disappear without a trace, suggesting that few professional car thieves operate here. Almost all victims get their vehicle back eventually, though often with several hundred dollars' worth of damage — dents, broken windows, torn interiors.

In the end, only a fraction of car thefts result in anyone getting arrested or charged.

As a car dispatcher, Milton says, he frequently gets called by people who have had their cars stolen. They ask that cops investigate an event. Milton says he's disgusted and frustrated by what he's seen.

"It happens all the time," he says. "You'd never have believed it until I started driving cabs. And the reason it happens is because they never do anything. It's just by riding."

Other victims echo Milton.

"It made me mad because you have to steal a car several times before it's a felony," says Anchorage resident Jennifer Villarreal, whose car has been stolen twice. "Even if the thief gets caught, nothing's going to happen to him... I don't think that's right."

YOUR PRECIOUS CAR

It probably isn't the largest single investment you ever make besides buying a house. It probably can't rival a vacation home, but you park it out in the open, on wheels, ready to be driven off. At best, it's virtually within a minute of being stolen — anyone willing to shatter the window and to open the steering column to engage the ignition.

At worst, the key is still in the car, the door unlocked, the engine warmed and idling, ready to roll.

Someone steals a car every 20 seconds in the United States — adding up to 1.5 million stolen vehicles in 1993 and 1.6 million in 1992. The annual cost of those thefts is staggering — an estimated \$7.5 billion for 1992, according to the Chicago-based National Crime Insurance Bureau.

The majority of vehicles are stolen in urbanized, high-crime states like California, where some 320,000 vehicles were reported stolen in 1992, a rate of 1,037 thefts per 100,000 residents. New York, Texas and Florida fall close behind.

Even in those states, the highest rates appear right where you'd think: in the major urban areas. Newark, New Jersey, leads the nation with 3,019 cars stolen per 100,000 residents. Los Angeles has a rate of about 1,880. New York's was 1,722.

By comparison, auto theft rates in Alaska and Anchorage are minuscule, sim-

How to keep your car

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iven enough time and cover, just about anyone can steal your car or truck.

A vehicle parked in a dark, isolated lot is an easy mark for a determined thief, regardless of what alarm system might be installed. On the other hand, simply locking your car and parking it under a light in your driveway could discourage many others.

The trick is to make stealing your car as difficult and public and time-consuming as possible. This might seem obvious to streetwise residents of Los Angeles or New Jersey, but Alaskans haven't had to worry much about car security.

But times are changing. Here are some tips for the wise:

- **Close your windows, lock your car and take your keys.** Some 14 percent of all stolen vehicles are taken with the keys inside, according to the National Crime Insurance Bureau. If you leave your car running on a cold day (a practice not recommended by police), at least lock the door with a separate key.

- **Park your car in a place that can be easily seen** — under a street light, in your driveway, close to a store entrance — rather than in the far reaches of a parking lot. Given a choice, a thief will steal the car most hidden from view.

- **Consider purchasing a security device.**

- **Bar locks:** These can secure your steering wheel, gear shifter or brakes. Similar to heavy steel bike locks, they're only as strong

- as the item they're locked around. Consumer Reports testers found they could remove one from a steering column by cutting the steering wheel. They range in price from \$15 to \$150.

- **Steering collars:** Many makes of cars can be started simply by rapping open the steering column to get at the ignition switch. Steel collars can be attached to prevent this. They range in price from about \$100 to \$200.

- **Alarms:** Over the past few years, dozens of alarms have gone on the market. They range from highly sophisticated systems that set off sirens and flash lights after detecting any disturbance to the car, to much simpler models that simply blare a horn if someone breaks open the driver's door. They range widely in price, with most models costing \$200 to \$400. They usually must be installed by a professional.

- **Engine disablers:** Several devices will prevent the engine from starting, or will turn it off after it's been started. Some work electrically, installed in the circuit between the ignition switch and the starter. Others work mechanically and cut off the flow of fuel to the engine.

- **Tracking systems:** These devices transmit a radio signal that can be tracked by someone else using a receiver. They cost hundreds of dollars and work on the same principle as an emergency beacon for aircraft or fishing boats.

SOURCES: Consumer Reports and National Crime Information Bureau.

in the more densely populated areas of the Lower 48. Statewide figures for 1992, the most recent year available, show only 2,015 vehicles stolen in Alaska, a figure that includes snowmachines, for a rate of .07 per 100,000 residents. Anchorage, with 1,611 vehicles stolen in 1992, accounted for more than half of Alaska's total. The rate — a rate of .067 stolen cars per 100,000 residents — was an eighth of Newark's and a third of L.A.'s.

"Thefts in Alaska really aren't that bad," says Jann Hoch, spokesman for the Chicago-based insurance crime bureau. A lot of cities would be happy to have Anchorage's theft rates.

Over the past two years, the rate has edged up, down, up. In 1993, 1,387 vehicles were stolen in Anchorage — a 14 percent decline from the 1,611 taken in 1992. But the number exploded last year, when a record 2,415 were reported taken. That increase is consistent with what's happening in the Lower 48, where muscled towns are beginning to catch up with the cities.

"Since 1990, vehicle theft has actually dropped in all major metropolitan areas," says Hoch. "What's really skyrocketing are the small towns and suburbs and places like Anchorage."

Why is that? Hoch believes urban residents have begun to take precautions — installing alarms, carefully locking vehicles. But people in places like Anchorage still don't believe that their car will be stolen. Not here. Not on their friendly neighborhood streets.

But they're wrong.

IS YOUR CAR NEXT?

Marveen Coggins, a legislative aide for Anchorage Rep. Cynthia Toohey, is working on new legislation to combat car thieves, she said. She's had two stolen.

The first theft occurred in Colorado, when thieves drove her Chevy Blazer out of a parking garage. It was later recovered, packed to the brim with stolen furs, jewelry and drug paraphernalia.

The second theft was two years ago in Anchorage's west side. Her husband, Wayne Coggins, had started their 1992 Honda Accord in the carport outside their fashionable townhouse. He then did something familiar to every Anchorage driver in winter — stepped back inside while the car warmed up.

When he returned a few minutes later, his vehicle was gone.

Police later found another stolen car abandoned near a garbage bin in the alley, suggesting that the thieves had come cruising through the neighborhood searching for an easy mark.

Police took the car's description. But what else could be done?

"We actually drove around late at night," says Marveen Coggins. "Two or three days later, we found it parked at the Sullivan Arena. The car was just sitting

there. It had been abandoned.

"Police had seen they believed it had been used in robberies, and had been reported as a suspicious vehicle on the east side. Still, there was no damage.

Jennifer Villarreal wasn't so lucky. Villarreal had owned her 1989 Acura Integra for only a few months before it was stolen on Oct. 15 — parked safe and snug in a quiet neighborhood street in front of her parents' west-side home.

"It was parked outside my house and all the doors were locked and everything," she says. "I woke up the next day and I was getting ready to go to work — and it was just gone."

At first, Villarreal says, she was dumfounded. After all, she had done nothing that would have put her car at risk.

"I thought maybe my dad took it or it got towed or something," she says. "I couldn't believe what I was seeing."

Like Coggins, Villarreal called police, who put the car's description in the computer — and went to answer the next call. There was nothing for a 22-year-old to do, except borrow some wheels.

SO WHO TOOK IT?

Nationally, car thieves come in three varieties, according to Hoch. An estimated 70 percent are joy riders, opportunists who see an unattended car and jump in, almost always abandoning it within hours or days. As a result, about 62 percent of all stolen vehicles are recovered.

According to the National Crime Insurance Bureau,

The other 30 percent of thefts often involve drug users who take the car and strip it for parts — radios, air bags, tires. These people target slightly older cars or cars with easily interchangeable parts, then take them to "chop shops," where the vehicles are quickly reduced to a pile of auto equipment. Others operate in rings, working systematically. Or attempt to smuggle the whole vehicle out of the country.

In general, the insurance industry and law enforcement go after the professionals, who cause the biggest dollar losses. "You

can make more money by selling parts than by selling it whole," Hoch says. "Plus, you get rid of the evidence, too."

Detective Bennett says he concentrates on potential felonies — when the stolen vehicle sustains more than \$500 damage, or when police believe the vehicle was stolen by pros to be sold. In 1992, only 26 of Anchorage's 2,415 reported car thefts rose to that level. The majority of those cases went to patrol officers for investigation. "They're the first line of defense," Bennett says.

During the fall, some 20 snowmachines were stolen, too. "These snowmachines are the ones that are driving us nuts — not the cars," Bennett says. "It's like open season. ... You leave a snowmachine out in the open, it's going to disappear."

Bennett's work is tedious and time-consuming, often involving a step-by-step tracking of suspicious auto parts. Many times it's all or nothing, he says. Either they stumble across the entire vehicle, or it just disappears.

"It's not that exotic," he says. "It's not a quick process where you can come out and go from point A to point B."

One of his typical cases last year involved a 1990 four-wheel-drive pickup truck. A woman reported it stolen and told police she thought her ex-boyfriend had taken it, which he denied. Eventually, Bennett found the truck in a compound behind a local body shop. All of it. In pieces. It had been systematically deconstructed. Trying to prove who took the

vehicle has been a nightmare.

"It went down the line through about 10 people or so," he says. "Now we're trying to trace the parts back." No one has been charged in connection with the case.

Most of Anchorage's stolen cars — 93 percent in 1993 — are recovered quickly. These thefts usually involve simple joy riding. With more than 2,400 vehicles reported stolen in 1994, only 49 were still listed as missing in police computers as of early

January, according to police records.

"The good news is that we recover 80 to 90 percent of these vehicles," says Anchorage police Sgt. Steve Warner, head of crime prevention. "So if your car gets stolen, you probably will get it back. But it

Continued on Page 15

... You have to steal a car (several times) before it's a felony.



Even if the (thief) gets caught, nothing's going to happen to him. ... I don't think that's right.

— Jennifer Villarreal

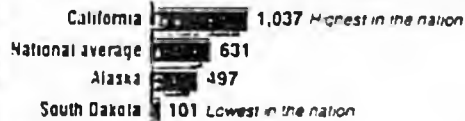


JIM LAVRAKAS / Anchorage Daily News has photo

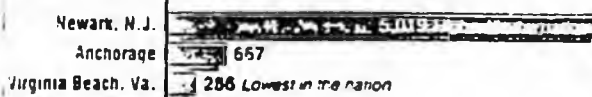
Anchorage police look over a truck stolen by teenagers in 1990.

How Alaska motor vehicle thefts compare to Outside

1992. thefts per 100,000 people, by state



1992. thefts per 100,000 people, by city



Sources: FBI, Statistical Abstract of the United States

Factoids

- In the United States, a car is stolen every 20 seconds.
- According to 1992 statistics, a car is stolen about every 14 hours in Vermont.
- In California, it happens every 1.5 minutes.
- In Alaska, a car is stolen every three hours.

Source: Morgan Guaranty Crime State Rankings 1994

10 most stolen cars in 1994

Rank	Year	Make and model
1	1984	Oldsmobile Cutlass Supreme
2	1993	Jeep Grand Cherokee 4x4
3	1987	Oldsmobile Cutlass Supreme
4	1986	Oldsmobile Cutlass Supreme
5	1988	Honda Accord LX
6	1985	Oldsmobile Cutlass Supreme
7	1992	Honda Accord EX
8	1994	Buick Regal
9	1990	Honda Accord EX
10	1991	Honda Accord EX

Source: CCC Information Services

RON ENGSTROM / Anchorage Daily News

CAR THEFT

Continued from Page 11

and probably have been damaged. These people who steal cars don't take that good care of them.

Under present law, taking a vehicle without permission is usually a Class A misdemeanor, punishable by up to a year in prison. Certain factors can make it a felony — previous convictions or more than \$500 damage. In practice, few of Anchorage's hundreds of joy riding cases result in arrest or conviction.

The city prosecutor's office filed only 120 joy-riding cases last year. "Joy riding is among the most difficult cases to prove, because once the car is stolen, it can go among a dozen people in two or three days," says Acting Municipal Prosecutor Carmen Clark Weeks.

"Then you have to prove beyond a reasonable doubt that the defendant was driving the car knowing it was stolen or that he had enough information to believe it was stolen," adds Bonnie Lembo, head of the misdemeanor unit of the Anchorage District Attorney's office.

Often the accused produces elaborate explanations involving numerous people — some of them identified by first name. Scenarios develop in which the accused "borrowed" the vehicle from an acquaintance, who borrowed it from a friend, who borrowed it from someone else.

In the end, Lembo says, it's often just not cost-effective to sort out all the "stories" — especially when the car has been recovered.

"How are we ever going to prove what happened, except by treating it like a murder case? It's just disproportionate to the crime. We figure the getting the car back solves the problem."

One solution might be to make the crime of car theft a felony — resulting in more serious penalties and the possibility of lengthy jail time. During the last legislative session, several bills were proposed that would have made the penalties for joy riding more serious. Several new versions have been proposed for the new legislature.

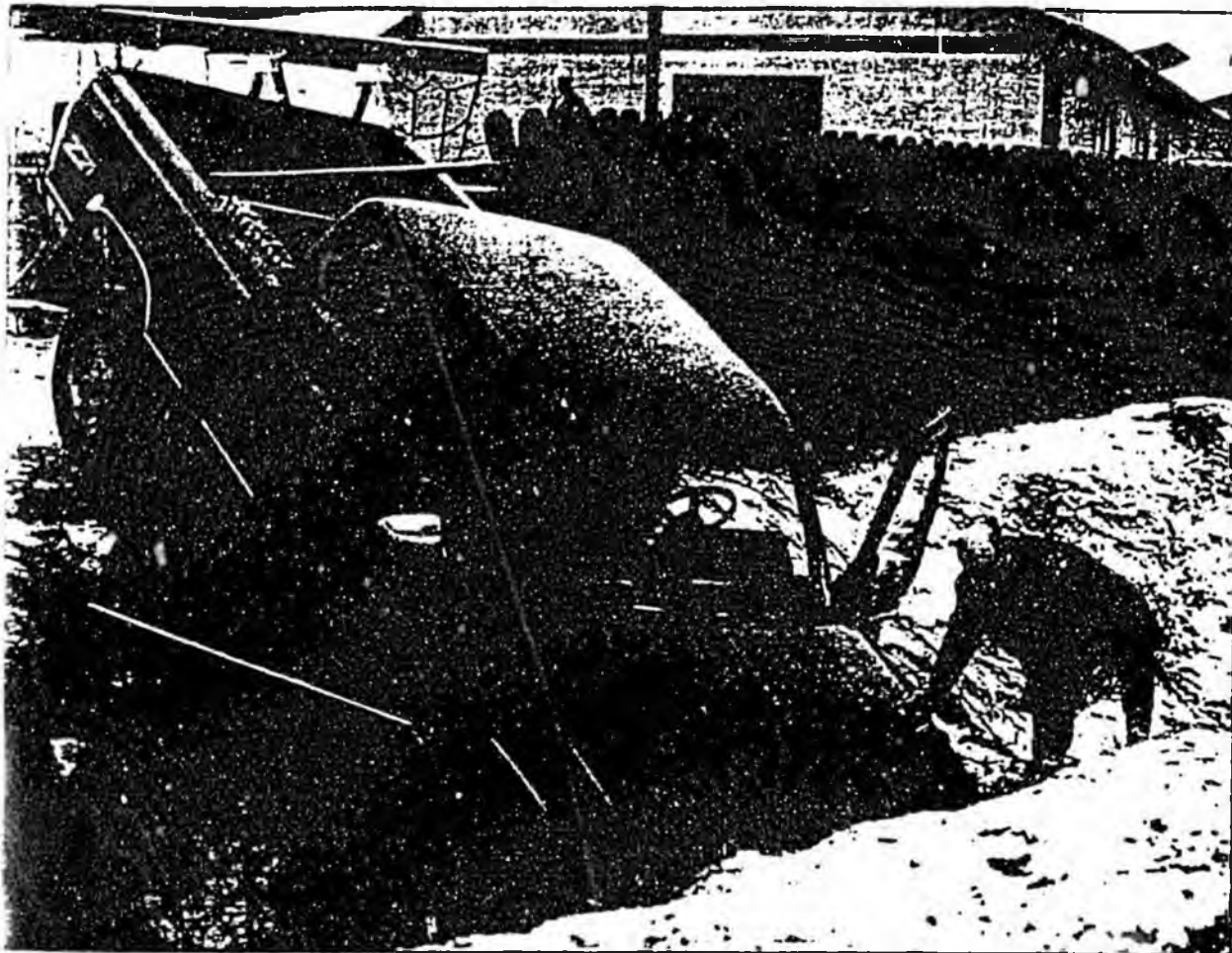
"It just seems inconsistent that somebody can steal a car, and it would be passed off as joy riding, and he essentially gets a slap on the wrist," says Anchorage Sen. Loren Leman, author of one of the bills. "This is an attempt to raise it to the level it rightfully deserves. You steal a car — and it would be a felony."

But Leman and other legislators also say they're worried about the potential cost of creating a new felony. According to a 1994 Department of Correction analysis, prosecuting as few as 100 joy-riding cases as felonies rather than misdemeanors could cost an additional \$1.1 million for trials, presentencing reports and incarceration.

Given the state's budget forecast, the cost of making joy riding a felony might doom the legislation even if lawmakers

Continued on Page 14





PAUL SOUDERS / Anchorage Daily News files the photos



Anchorage police and airport immigration officers joined in pursuit of a stolen truck through back streets and yards near Lake Hood in December 1992. Duley Lyons, 19, was arrested after wrecking the truck. Damage was estimated at \$5,000.

CAR THEFT

(Continued from Page 12)

That's why the bill hasn't moved the last three years," Leman says. "But we can't make an impact on some of these people because they say there's no consequence to joy riding. Well, we want to make it a big deal and stop it." Legislative aide Coggins is trying to find "creative" approaches that won't cost as much.

"I would rather revamp our entire system of justice to emphasize restitution," Leman says. "But what do you do when a kid trashes a \$20,000 car and doesn't have the money to pay for it? You can only get so much community service."

WHAT CAN YOU DO?

In the end, preventing car theft may be up to the individual.

"You've got to do the 'What if my car gets stolen' scenario to yourself," says Hoch. "You need to realize that you are vulnerable and your car has a potential of being stolen."

According to police and insurance investigators, a professional car thief can quickly take your car, even to the point of disabling alarm systems or multiple locks. "But most of the time the car thief doesn't show much more about stealing cars than you do."

"Sure, if a professional wants your car, it's going to have it," said Hoch. "But there aren't that many professionals out there. People have got to protect themselves against the joy riders."

"If somebody wants you to be a victim, you're going to be a victim," adds police Sgt. Warner. "But most criminals don't target specific people. They're looking for opportunity. So why give them opportunities to steal your car?"

Eliminating opportunity begins with locking your car.

"The first and best anti-theft device is a key," says Hoch.

Other anti-theft strategies follow the same common-sense tack. Don't leave the key in the ignition. Don't leave the car running with the door unlocked. Don't park in dark, isolated places. Don't leave it overnight away from your home.

Police also urge owners to keep the automobile title outside the car. A thief could forge your signature and have the title transferred into a new name within hours of stealing the car.

In addition, police and consumer advocates urge people to install some sort of anti-theft device. A locking bar can prevent someone from turning the steering wheel. Alarm systems — ranging in price from under \$100 to nearly \$2,000 — can help signal a car theft. Some companies have even started manufacturing transmitter-receivers, devices that broadcast a radio signal so a stolen car can be tracked and recovered.

All these strategies can be overcome by

determined theft, according to police. But they all make stealing your car more time-consuming and more difficult. A joy rider acting on impulse might turn away from a locked car or flee at the sound of an alarm.

AND THEN THERE'S BAD LUCK

Jennifer Villarreal's car was missing for only a few days. Sgt. Warner was heading home on Oct. 21 — three days after the car was taken — and saw it zip past him at high speed, westbound on Northern Lights Boulevard. Not knowing the car was stolen, and intending to issue a warning, Warner pulled up behind it at the Forest Park traffic light and snapped on his red flashing light.

The two men in the car panicked.

Accelerating through the red light, they turned right in Forest Park from the left-hand lane. As Warner followed, he saw the car speed up the residential street, prompting him to break off his pursuit. The driver ran the stop sign — nearly hitting another car — and zoomed out of sight. Warner kept following at a distance. He saw the car

turn eastbound on Hillcrest Drive, then enter the parking lot behind West High School. Warner trapped the car in the lot.

Two men in their 20s hopped out and ran into the dark. Warner ran after them, then found one trying to hide behind a building. He finally chased him to a fence with his gun drawn, and took him into custody.

According to police, 18-year-old Anthony Zucchero was charged with knowingly riding in a stolen vehicle, fourth-degree criminal mischief. But Zucchero didn't show up for his trial in District Court on Jan. 5 and a \$1,000 warrant was issued for his arrest.

The Acura Integra had \$1,700 worth of damage — a dent in the front panel, torn-tearing column, ruined starter. There were empty tequila bottles and other trash inside. "It was just thrashed," Villarreal says.

But there was something else about it — a sense of violation.

"It was creepy when I was checking it out — it was really creepy," she says. "I thought I would be a lot happier when I got it back than I was."

Likewise, Coggins says she felt a similar sense of injustice when she got back her Chevy Blazer years earlier in Colorado — she had left her personal journal in the vehicle. She was infuriated.

"They had apparently kind of lived in it for a while, and I felt like my area had been violated, that my privacy had been violated," she says. "I literally used disinfectant all over it, because it just felt dirty."

Villarreal took her car to a body shop on Downing Road, where it was parked on the side of the road with other vehicles awaiting repairs. Within a couple days, the car had disappeared from there, too. Stolen again. This time, it was gone for a month. It finally showed up in the YMCA parking



ANNE RAUP / Anchorage Daily News (see photo)

Last month, Renee Pagel of Anchorage punched a man who was part of a group that tried to steal her car, according to police.

lot about mid-December.

A couple weeks ago, she finally got it back, repaired at last. It drives OK. But Villarreal doesn't feel as good about it as she once did. The whole experience — having the first culprit skip his trial after being charged with a relatively minor offense, and then having the car disappear again — has disgusted her.

"And the whole time I had to make car payments, too," she says. "That's what really irritated me." ■

■ Doug O'Harra is a We Alaskans staff writer.



SB

26

May 4, 1995

My name is Nicole Davis. I am a senior at Lathrop high school in Fairbanks, Alaska. I have recently become very interested in the number of crimes committed by juveniles in my area. I agree with the premise behind the majority of Senate Bill 26, but disagree with section two.

I support section one which allows for juveniles who have committed certain crimes to be charged, prosecuted, and sentenced in superior court in the same manner as an adult. I feel that by trying the juvenile as an adult for the charges stated, there will be fewer repeat offenders in our prison system. Many young criminals face few serious consequences for their actions which only encourages them to continue down the wrong path. Being tried as an adult will force the juvenile to take the crime and it's consequences seriously.

I disagree with the premise behind the second section of the bill, because I feel the records of the individual should not be sealed. If an individual has to face the consequences of their actions for the rest of their life, then other criminals will think twice before committing an offense. I also feel that future employers, landlords, etc. have the right to if the individual has been previously convicted of a crime.

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version: CSB 26 FIN
(S) Publish Date: 4-2-95

Revision Date: _____
Title: Providing for Automatic Waiver of minors who
use firearms to commit criminal offenses
Sponsor: Senators Kelly, Donley
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southeastern Region
COMPONENT SERIAL NO. 258
See also (SN#): 254.255

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 EXPENDITURES						
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There will be no increase in cost to the division since this legislation does not add new clients

Prepared by: *Kathy Tibbles*
Division: Family & Youth Services
Approved by Commissioner: *Karen Perdue*
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/14/95
Date: 2/16/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version CSSB 26 FIN
(S) Publish Date: 4-12-95

Revision Date: _____
Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults ..."
Sponsor: Sen. Donley
Requestor: (S) JUD

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE:

(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

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No measurable impact on the Public Defender Agency is anticipated.

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

Phone: 264-4400
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/14/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill Version CSSB 26 FIN
(S) Publish Date: 4-12-95

Revision Date: _____
Title: Providing for Automatic Waiver of minors who
use firearms to commit criminal offenses
Sponsor: Senators Kelly, Dunley
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Northern Region
COMPONENT SERIAL NO. 255
See also (SN#): 254,258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF.MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There will be no increase in cost to the division since this legislation does not add new clients.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/14/95
Date: 2/16/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

f.iii Version: SB 216
(S) Publish Date: 3/20/95

Revision Date: _____
Title: Providing for Automatic Waiver of minors who
use firearms to commit criminal offenses
Sponsor: Senators Kelly, Donley
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southcentral Region
COMPONENT SERIAL NO. 254
See also (SN#): 255,258

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 EXPENDITURES						
CHANGES IN REVENUES						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There will be no increase in cost to the division since this legislation does not add new clients.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/14/95
Date: 2/16/95

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1995 LEGISLATIVE SESSION

Bill Version: SB 26

(S) Publish Date: 3/20/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: Offenses by juveniles using firearms Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Donley
 Requestor: (S)JUD COMPONENT SERIAL NO. 0799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-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-

Estimate of current year (FY 95) impact: \$ -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

ANALYSIS: (Attach a separate page if necessary.)
 No significant impact on the Alaska State Troopers.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 03/09/95
 Approved by Commissioner: [Signature] Date: 3-9-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BII Bill Version: SB 26
(S) Publish Date: 3/20/95

Revision Date: _____ Dept. Affected: Department of Law
 Title: automatic waiver of juvenile jurisdiction minors BRU: Prosecution
and use firearms to commit criminal offenses Component: All
 Sponsor: Senator Donley COMPONENT SERIAL NO. 1995-00
 Requester: Senator Donley

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES

--	--	--	--	--	--	--

CHANGE IN REVENUES

--	--	--	--	--	--	--

FUND SOURCE (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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a firearm in the commission of the offense, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of firearms in the commission of the offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. This number includes all types of weapons and not just firearms. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

Prepared by: Richard I. Peoues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/10/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/10/95
 Agency: Department of Law

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SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SPONSOR STATEMENT
SB 26

**Treating juvenile offenders with multiple convictions for
violent offenses with deadly weapons as adults**

Senate Bill 26 would create a strong deterrent to the repeated use of deadly weapons by juveniles. Senate Bill 26 would treat minors over age 14, who for the second time use a deadly weapon to commit a violent crime, as adults. Existing law only waives juveniles to adult court if they are at least 16 years of age, commit unclassified or class A felony crimes against a person, or commit arson in the first degree.

Deadly weapons are defined by AS 11.81.900, as:

" 'deadly weapon' means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive."

SB26 does not require any additional mandatory sentence or any specified punishment. Minors who are convicted of adult crimes, if incarcerated, are required by law to be segregated from adult prison populations.

SB26 is supported by: The National Education Association, The National Rifle Association, Public Safety Employees Association, Juneau Police Department, Fairbanks Police Department, and Anchorage Police Department.

DD/pah

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MEMBER: Senate Finance Committee • Senate State Affairs Committee

Produced in House

- (1) "affirmative defense" means that
- (A) some evidence must be admitted which places in issue the defense; and
- (B) the defendant has the burden of establishing the defense by a preponderance of the evidence;
- (2) "benefit" means a present or future gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary;
- (3) "building", in addition to its usual meaning, includes any propelled vehicle or structure adapted for overnight accommodation of persons or for carrying on business; when a building consists of separate units, including apartment units, offices, or rented rooms, each unit is considered a separate building;
- (4) "cannabis" has the meaning ascribed to it in AS 11.71.900(10), (11), and (14);
- (5) "conduct" means an act or omission and its accompanying mental state;
- (6) "controlled substance" has the meaning ascribed to it in AS 11.71.900(4);
- (7) "correctional facility" means premises, or a portion of premises, used for the confinement of persons under official detention;
- (8) "credit card" means any instrument or device, whether known as a credit card, credit plate, courtesy card, or identification card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining property or services on credit;
- (9) "crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor;
- (10) "culpable mental state" means "intentionally", "knowingly", "recklessly", or with "criminal negligence", as those terms are defined in (a) of this section;
- (11) "dangerous instrument" means any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury;
- (12) "deadly force" means force that the person uses with the intent of causing, or uses under circumstances that the person knows create a substantial risk of causing, death or serious physical injury; "deadly force" includes intentionally discharging or pointing a firearm in the direction of another person or in the direction in which another person is believed to be and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument;
- (13) "deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive;
- (14) "deception" means to knowingly

(A) create or confirm another's false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind;

(B) fail to correct another's false impression that the defendant previously has created or confirmed;

(C) prevent another from acquiring information pertinent to the disposition of the property or service involved;

(D) sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record; or

(E) promise performance that the defendant does not intend to perform or knows will not be performed;

(15) "defense", other than an affirmative defense, means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the state then has the burden of disproving the existence of the defense beyond a reasonable doubt;

(16) "defensive weapon" means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury.

(17) "drug" has the meaning ascribed to it in AS 11.71.900(9);

(18) "dwelling" means a building that is designed for use or is used as a person's permanent or temporary home or place of lodging;

(19) "explosive" means a chemical compound, mixture, or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including dynamite, blasting powder, nitroglycerin, blasting caps, and nitrojelly, but excluding salable fireworks as defined in AS 18.72.050, black powder, smokeless powder, small arms ammunition, and small arms ammunition primers;

(20) "felony" means a crime for which a sentence of imprisonment for a term of more than one year is authorized;

(21) "fiduciary" means a trustee, guardian, executor, administrator, receiver, or any other person carrying on functions of trust on behalf of another person or organization;

(22) "firearm" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury;

(23) "force" means any bodily impact, restraint, or confinement or the threat of imminent bodily impact, restraint, or confinement. "force" includes deadly and nondeadly force;

(24) "government" means the United States, any state or any municipality or other political subdivision within the United States or its territories; any department, agency, or subdivision of any of the fore-

AS 11.31.100 — 11.31.120 and commission of the crime that is the object of the attempt, conspiracy, or solicitation. (§ 2 ch 166 SLA 1978; am §§ 2 — 4 ch 3 SLA 1994)

Effect of amendments. — The 1994 amendment, effective May 30, 1994, made section reference substitutions in subsections (a), (b), and (d); in subsection (a), substituted "the defendant attempted to

commit, solicited to commit, or conspired to commit" for "that is the object of the attempt or solicitation" and ", solicitation, or conspiracy" for "or solicitation"; and, in subsection (d), inserted ", conspiracy,".

Chapter 41. Offenses Against the Person.

Article

1. Homicide (§ 11.41.110)
2. Assault and Reckless Endangerment (§§ 11.41.200 — 11.41.220, 11.41.260, 11.41.270)
3. Kidnapping and Custodial Interference (§ 11.41.300)
4. Sexual Offenses (§§ 11.41.410 — 11.41.425, 11.41.434 — 11.41.440, 11.41.455, 11.41.470)
5. Robbery, Extortion, and Coercion (§§ 11.41.500, 11.41.520)

Article 1. Homicide.

Section

110. Murder in the second degree

Sec. 11.41.100. Murder in the first degree.

NOTES TO DECISIONS

Intent to kill required.

Paragraph (a)(1) plainly requires proof of knowing (but not intentional) conduct rather than mere recklessness. *Odom v. State*, 798 P.2d 353 (Alaska Ct. App. 1990).

Intent to kill found. — First-degree murder charge was supported by sufficient evidence of an intent to kill where defendant and friend were incensed by the fact that a Toyota had come so close to their car; their anger provided a motive for shooting at the driver. Moreover, the grand jury heard testimony that, when the Toyota failed to stop or veer off following defendant's rifle shot, defendant declared, "I missed." *Gustafson v. State*, 854 P.2d 751 (Alaska Ct. App. 1993).

Joinder of charges. — Cocaine charges and murder, kidnapping, and robbery charges were properly joined, where the state's theory of the murder, kidnapping, and robbery offenses was that defendants committed the murder and carried out the kidnapping and robbery in defense of their cocaine distribution business.

Mathis v. State, 778 P.2d 1161 (Alaska Ct. App. 1989).

Admissibility of evidence. — Where evidence of cocaine possession and sale would have been admissible on murder, kidnapping, and robbery charges, but the murder, robbery, and kidnapping evidence would not have been admissible on the cocaine charges, the appropriate action upon appeal from conviction on all counts was to vacate the cocaine convictions but affirm the other convictions. *Mathis v. State*, 778 P.2d 1161 (Alaska Ct. App. 1989).

Evidence of victim's reputation for violence. — The court properly refused to allow the defendant to introduce evidence of the victim's reputation for violence, where the defendant picked up a rifle, hit the victim in the head with it, then knocked her down again, straddled her, and pointed the barrel toward her head as she lay prostrate, at which point the rifle discharged, killing the victim. Given this progress of events, the reasonableness of the defendant's initial decision to pick up the rifle had essentially no bearing on his

Sec. 33.30.901. Definitions. In this chapter, unless the context requires otherwise,

- (1) "center" means a correctional restitution center;
- (2) "commissioner" means the commissioner of the Department of Corrections;
- (3) "community service" means work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public services, lands, forests, parks, roads, highways, facilities, or education; community service may not confer a private benefit on a person except as may be incidental to the public benefit;
- (4) "correctional facility" or "facility" means a prison, jail, camp, farm, half-way house, group home, or other placement designated by the commissioner for the custody, care, and discipline of prisoners; a "state correctional facility" means a correctional facility owned or run by the state;
- (5) "court" means the supreme court, the court of appeals, the superior court, the district or magistrate court, or a justice or judge of a court;
- (6) "crime against a person" means a crime as set out in AS 11.41, or a crime against a person in this or another jurisdiction having elements substantially identical to those of a crime as set out in AS 11.41;
- (7) "department" means the Department of Corrections;
- (8) "furlough" means an authorized leave of absence from actual confinement for a designated purpose and period of time;
- (9) "health care provider" means
 - (A) a physician's assistant or nurse practitioner licensed to practice in the state and working under the direct supervision of a licensed physician or psychiatrist; or
 - (B) a mental health professional as defined in AS 47.30.915;
- (10) "municipality" means a municipality authorized by law to establish a correctional facility;
- (11) "prisoner"
 - (A) means a person held under authority of state law in official detention as defined in AS 11.81.900(b);
 - (B) includes a juvenile committed to the custody of the commissioner when the juvenile has been charged, prosecuted, or convicted as an adult;
- (12) "sex offender" has the meaning given in AS 12.63.100.
- (13) "temporary commitment" means detention of a person for any period under authority of state law, but does not include confinement upon conviction and judgment of a court of this state;
- (14) "victim" has the meaning given in AS 12.55.185. (§ 6 ch 88 SLA 1986; am § 23 ch 59 SLA 1989; am § 9 ch 41 SLA 1994; am § 4 ch 113 SLA 1994)



SENATOR DAVE DONLEY
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MEMBER: Senate Finance Committee • Senate State Affairs Committee

Produced in House

SB

27

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 27
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS DONLEY, Ellis, Lincoln

Introduced: 2/2/95
Referred: HES, JUD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to child visitation rights of grandparents and other persons who
2 are not the parents of the child."

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

4 * Section 1. AS 25.20.060(a) is amended to read:

5 (a) If there is a dispute over child custody, either parent may petition the
6 superior court for resolution of the matter under AS 25.20.060 - 25.20.130. The court
7 shall award custody on the basis of the best interests of the child. In determining the
8 best interests of the child, the court shall consider all relevant factors including those
9 factors enumerated in AS 25.24.150(c). In a custody determination under this
10 section, the court shall provide for visitation by a grandparent or other person if
11 that is in the best interests of the child.

12 * Sec. 2. AS 25.20 is amended by adding a new section to read:

13 Sec. 25.20.065. VISITATION RIGHTS OF GRANDPARENT. (a) Except as
14 provided in (b) of this section, a child's grandparent may petition the superior court for

1 an order establishing reasonable rights of visitation between the grandparent and child
2 if

3 (1) the grandparent has established or attempted to establish ongoing
4 personal contact with the child; and

5 (2) visitation by the grandparent is in the child's best interest.

6 (b) After a decree or final order relating to child custody is entered under
7 AS 25.20.060 or AS 25.24.150 or relating to an adoption under AS 25.23, a
8 grandparent may petition under this section only if

9 (1) the grandparent did not request the court to grant visitation rights
10 during the pendency of proceedings under AS 25.20.060, AS 25.23, or AS 25.24; or

11 (2) there has been a change in circumstances relating to the custodial
12 parent or the minor child that justifies reconsideration of the grandparent's visitation
13 rights.

25.23.125
↓
Interests
of minor

14 * Sec. 3. AS 25.24.220(d) is amended to read:

15 (d) If the petition is filed by both spouses under AS 25.24.200(a), the court
16 shall examine the petitioners or petitioner present and consider whether

17 (1) the spouses fully understand the nature and consequences of their
18 action;

19 (2) the written agreements between the spouses concerning child
20 custody, child support, and visitation are just as between the spouses and in the best
21 interests of the children of the marriage; in determining whether the parents'
22 agreement on visitation is in the best interests of the children under this
23 paragraph, the court shall also consider whether the agreement should include
24 visitation by grandparents and other persons;

25 (3) the written agreements between the spouses relating to the division
26 of property, including retirement benefits, spousal maintenance, and the allocation of
27 obligations are just; the spousal maintenance and division of property must fairly
28 allocate the economic effect of dissolution and take into consideration the factors listed
29 in AS 25.24.160(a)(2) and (4);

30 (4) the written agreements constitute the entire agreement between the
31 parties; and

1

(5) the conditions in AS 25.24.200(a) have been met.

HOUSE COMMITTEE REPORT

(7)
 Date Referred: March 24, 1995 FURTHER REFERRALS: Judiciary

Date of Committee Action: 4/4/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: SSSB 27

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 27 MISC. GRANDPARENT VISITATION RIGHTS

"An Act relating to child visitation rights of grandparents and other persons who are not the parents of the child."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) Count System

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Carl Bunde</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *[Signature]*



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SB 27
GRANDPARENT VISITATION RIGHTS
SPONSOR STATEMENT
(March 1, 1995)

SB 27 would allow grandparents to petition the court for an order establishing reasonable visitation rights with their grandchildren. The visitation rights would only be granted if the court deemed it was in the best interest of the child. Alaska is the only state that does not allow grandparents to make such petitions.

Currently AS 25.24.150 only allows the court to on its own grant grandparent visitation rights in cases where a parent has died and in divorce and separation proceedings. AS 25.24.150 does not give the grandparents "standing" to on their own petition the court. SB 27 would give grandparents the "standing" to petition the court for reasonable visitation rights. Additionally, SB 27 would not place specific limitations on when these petitions could be made.

SB 27 is pro-family legislation intended to strengthen Alaskan families through greater grandparent participation in child development when it is in the best interest of the child.

A similar version of this bill (SB 21) passed the Senate last year by a vote of 19-1 before it died in the House during the final days of session.

C A R T A
CENTRAL ALASKA RETIRED TEACHERS

PO Box 93610
Anchorage, Ak 99509-93610

FEBRUARY 23, 1995

The Honorable Dave Bonney
State Capitol Offices
Juneau, AK 99801-1111

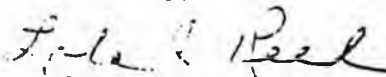
Dear Senator Bonney:

As in the past members of Central Alaska Retired Teachers' Association (CARTA) strongly support all efforts to assure that grandparents have reasonable visitation rights with their grandchildren. We believe SB17, "An act relating to child visitation rights of grandparents and other persons who are not parents of the child," is a bill which would assure these rights.

As former teachers and as parents and grandparents we have witnessed the pain a child suffers when parents separate and/or divorce. Even in stable homes and especially in homes torn by the dissension of divorce parents cannot provide all the support and nurturing needed for a child to develop into a mature and stable adult. Children need the support of the wider "community" which is provided by grandparents, other relatives and, in some cases, non-relatives.

At our February meeting the CARTA membership voted unanimously to give full support to SENATE Bill 17. We were sorry to see that last year's bill on this issue did not make it through the HOUSE. We urge immediate action on this one.

Sincerely,



Lola J. Reed
President

UONA L. HALL
3590 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-9531

Testimony for Senate Bill #27: March 1, 1995

AARP is in favor of this bill for Grandparents visitation to their grandchildren. After reading the brochure from AARP headquarters, I am also enthusiastically supporting the bill. The brochure is well presented, citing other State's experiences in this area. It was researched by experts.

I am not an expert -- I am a grandmother, and I would like to shift the emphasis just a bit. ~~Can you change the title to:~~ "THE RIGHT OF GRANDCHILDREN TO HAVE GRANDPARENTS IN THEIR LIVES"?

Of my six grandchildren: 3 are here in Juneau, and 3 in Illinois. The thought of not seeing any of them would be devastating. When I say "I", you realize I'm part of a matched set known as "Gramma" and "Grampa".

The ages of the children run from 10 to 18. For the last couple of years, the telephone calls from the Juneau contingent have been something like this: from the grandson whose parents live out on the Thane road; but whose girlfriend lives near me: "Gramma, can

you leave the back door open so I can sleep on the sofa after the prom and/or game?". And the granddaughter whose mother is working: "Grandma, my car won't start, and I have to be at work by four. Can you or Grampa pick me up?" The other granddaughter says: "Grandma, this week's basketball/soccer/volleyball games are Friday and Saturday at 7. Can you come?" The answer to the first two are "Yes"; and to the third, "'Probably."

To reach this kind of certainty between the generations takes a lot of individual actions over a long period of time. From buying Girl Scout Cookies; Xmas wrapping; pool laps; baseball laps; and a guaranteed audience to school programs from preschool to graduation.

When Rupe Andrews asked me to testify today, I was not keen. But he is a genius at timing. In that days mail we received a present from our daughter-in-law. A high school orchestra concert poster for March 4, in ^{McHenry County} ~~Crystal Lake~~, Illinois. The yellow postit note says: "Can you find your grandson? We thought this was a nice picture and wanted to share it with you. Wish you could be here for it! Love, Debbie" Picking him out was easy, didn't even take the trumpet. He's the tall handsome boy in the back row. We've had videos, and cassette tapes of both boys musical progress, and have always been

kept informed of their grades and hobbies. When we visit we stay several weeks to get into the rythm of their lives.

When an 8 year old daughter was adopted, she adopted us as happily as we also loved her -- sight unseen.

Since the boys left Alaska as small children, they have been showered with Alaska coloring books; Alaska children stories; Alaska rocks, etc. They all know that we are close-- except for those many miles.

Senate Bill #27 kicks in when visitation is denied.

Can you pass a companion bill to ensure that for each case that comes up the judge has the wisdom of Soloman?

A judge that can discover the cause of the refusal, and can do something about it?

Tuesday afternoon once of year will never give the children what they need.

Thank you for listening.



September, 1994

Grandparents And Grandchildren Need Each Other

by Kathleen M. Tonn

I don't have a niece, because they are too far away. I would enjoy them if I could," says a Florida grandmother of her four Alaskan grandchildren. Josephine Reinhold declares, "I try to communicate with the children through letters, but it's not the same as holding their hand and taking a walk along the beach. Maybe they'll remember me as the person who sent those sometimes-riveting, sometimes serious letters."

Grandparents across the United States strive to develop intimate relationships with their grandchildren, but many never do. Physical distance undermines the natural bond that unites grandparents and grandchildren together. Grandparents whose grandchildren live in Alaska experience perhaps a more detached relationship due to the state's geographical remoteness.

The sense of loss, on the part of the grandparent, can be profound when they are unable to grandparent. Studies demonstrate the birth of a grandchild represents immortality and the ability to continue the patrimony. To sustain the feelings generated by the birth of a grandchild, grandparents need to interact with the child regularly.

Philip Baker, an Anchorage psychologist, believes families are negatively affected when distance separates them. Baker comments, "Here in Anchorage, all of us suffer to some extent, but children probably suffer more. The impact on grandparents when they are unable to grandparent, they can feel deprived. This can lead them to feel disenfranchised with their own offspring."

When grandparents are able to develop closeness with their grandchildren both generations thrive. Generally, the grandparents' overall health improves. The vitality of the young motivates seniors to stay physically and mentally active. As members they are contributing not only to the child's sense of well-being, but to society as well.

Anchorage's Foster Grandparent coordinator, Sharon Suassny, believes the interaction between senior citizens and children is important. Suassny observes, "Seniors that are contributing in the community while being paired with children live longer and are happier." Although Foster Grandparent seniors deal with children who are not related to them, the factors that contribute to emotional and physical health cross bloodlines.

Children benefit enormously from a loving relationship with a grandparent, aaker notes. Grandparents have a positive influence on child development. They help to boost a child's self-esteem through constant kindness. Grandparents are mentors who don't have to deal with the same issues as parents. They are in a position to provide objectivity.

Children also gain a sense of family history from grandparents. The stories grandparents share about their own lives or their children's lives help children learn the interconnectedness of families. Similarly, a loving relationship with a grandparent allows children to develop positive feelings about the elderly in society.

Despite the great distance that separates Alaskan grandchildren from their grandparents, there are ways families can encourage close, long-distance relationships. Before taking steps to create a climate in which the grandparent/grandchild bond can be strengthened, both parents and grandparents must make a firm commitment to the relationship's development. Research indicates that a child's love for a grandparent is second only to the love of a parent.

The following activities nurture grandparent/grandchild love. They can be done by grandparents as well as children. And parents can help children wherever necessary. The sharing of oneself, through the following methods, will enhance the time spent together when visits occur between grandparent and grandchild.

• Scheduled telephone conversations



Eva Honea of Chugiak spends a sunny afternoon with her great-granddaughters, Amber McIntire (L) and Kimberly McIntire (R)

Sharon McBride Photo

- Sending videotapes of special family or school events.
- Writing letters.
- Making audiotapes of singing, reading, or reflections of an ordinary day.
- Sending photos with captions.
- Making stories that have been written by either grandparent or child.
- Sending children's art pieces or school work.
- Sending treasures like broken radios that can be taken apart or rocks that have been found on a day's outing.

MODERN CHILD CUSTODY PRACTICE

1994 Cumulative Supplement

JEFF ATKINSON

*Member of the Illinois and
United States Supreme Court Bars*

2

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murder of the mother (apparently by the father), the court said the aunt and uncle could file an action for custody separate from the divorce action.

For description of a custody dispute between a grandfather and step-grandmother following the death of both parents, see *supra* § 8.07, note 62 in this supplement.

§ 8.09 Burden of proof in modification actions when a third party has custody

Page 426, n. 88. *Glover v. McRipley*, 159 Mich. App. 130, 406 N.W.2d 246, 251 (1987) (holding that the burden of proof was on the father by a preponderance of the evidence to show reasons why there should be a change in the established custodial environment with the grandparents, who had cared for the seven-year-old girl since birth, the mother had died when the child was two years old. The court, in denying the father's petition, commented: "[T]he importance of residence with a biological parent pales beside the importance of stability and continuity in the life of a child.")

Page 426, n. 90. *In re Marriage of Stewan*, 507 N.E.2d 585, 587 (Ind. Ct. App. 1986), in which the court held that the grandparents bore a "strenuous burden of proof" to show that the natural parent was unfit or had acquiesced in the custody arrangement, even though the grandparents had raised the girl for three of her four years. Custody to the grandparents was reversed and custody was given to the mother, who had recently completed parenting classes while on welfare, and who planned to become a beautician.

In re Custody of Walters, 174 Ill. App. 3d 949, 529 N.E.2d 308 (1988) (applying a presumption of parental custody even though grandmother had custody by virtue of a prior uncontested petition; nonetheless, the presumption of parental custody was overcome when maternal grandmother had raised the child for 10 years and mother's life seemed unstable).

✓ § 8.10 Grandparent visitation

§ 8.11 —Statutory provisions

Page 427. Replace first paragraph with:

All fifty states now have statutes which allow grandparents to seek court-ordered visitation.⁹⁵ The District of Columbia does not have a grandparent visitation statute. As of 1994, twenty-seven states specifically provide visitation upon the death of a parent (usually upon the death of the parent related by blood to the grandparent seeking visitation). Twenty-nine states also provide for visitation upon the divorce of the parents; most of the states in this group also would allow grandparents to seek visitation upon the separation of the parents. In addition, six states also specifically provide that a grandparent may seek

visitation if the grandchild has lived with the grandparent for a certain period of time (between six and 12 months);⁹⁶ and another eight states (with some overlap) allow grandparent visitation if the child is in the custody of someone other than the parent or if parental rights have been terminated.⁹⁷

Twenty-two states have what might be called general visitation statutes which allow grandparents to seek visitation, but do not specifically limit the circumstances under which visitation may be sought (e.g., limiting visitation to cases in which a parent has died or the parents are divorced). Some of these statutes are written very broadly but with some detail, apparently allowing visitation even if the mother and father are alive and their marriage is intact.⁹⁸ Other statutes are brief and somewhat vague—for example, allowing grandparent visitation if it is in the best interest of the child. If such a statute is part of a state's divorce law, a court may construe this general visitation provision as limiting visitation to cases in which the parties are separated or divorced.⁹⁹ A court, however, is not required to do so and could interpret the general provision as allowing visitation in a variety of situations, including intact marriages. Legislative history, if it is available, may be an important part of construing vague statutes.

⁹⁵In 1986, Nebraska was the last state to adopt a grandparent visitation statute. For citation to the Nebraska statute and the other statutes, see *infra* the Appendix at § 8.19 in this supplement.

⁹⁶The states with statutes specifically providing for grandparent visitation after the child has lived with the grandparent for a certain period of time are: Minnesota (twelve months), New Mexico (six months), Pennsylvania (12 months), Texas (six months within the preceding twenty-four months), West Virginia (six months), and Wyoming (six months). The absence of such a provision in the statutes of other states would not necessarily prohibit granting visitation to grandparents with whom a child had lived for a substantial period of time.

⁹⁷The states with statutes specifically allowing a grandparent to seek visitation if the child is in the custody of a non-parent or if parental rights have been terminated are: Colorado, Georgia, Iowa, Michigan, Nevada, Oklahoma, Tennessee, and Texas.

⁹⁸The states with very broad visitation statutes, which apparently allow visitation of children in intact marriages include: Alabama, Mississippi, Maryland, New York, South Dakota. (Illinois formerly had such a statute, but now only allows grandparent visitation for children in an intact marriage if a parent joins in the petition—in which case one may assume the marriage

will not be intact for long.) Delaware has a general visitation statute, but prohibits grandparent visitation if husband and wife cohabit and object to visitation.

²⁹*See, e.g.,* White v. Jacobs, 198 Cal. App. 3d 122, 243 Cal. Rptr. 597 (1988); Van Cleve v. Hemminger, 141 Wis. 2d 543, 415 N.W.2d 571 (App. Ct. 1987).

Page 428, n. 100. In Farrell v. Denson, 821 S.W.2d 517 (Mo. Ct. App. 1991), the court held that paternal grandparents had a right to seek visitation of a child born out of wedlock, even though the statute did not specifically deal with this situation. The court said, "Such grandparents wanting visitation could have been anticipated and as the legislature did not deny them visitation rights or otherwise exclude them, it is reasonable to assume that they have the same rights as the parents of a married father . . . A child and his grandparents have the same relationship regardless of whether his parents are married." *Id.*, quoting *In re* C.E.R., 796 S.W.2d 423, 425 (Mo. Ct. App. 1990).

In Thompson v. Vanaman, 210 N.J. Super. 225, 509 A.2d 304, 305 (Ch. Div. 1986), the court held that it had "inherent equitable jurisdiction as well as jurisdiction pursuant to court rules" to hear a grandparent's request for visitation, even though the statute only provided for grandparent visitation upon the death or divorce of the parents and neither of those circumstances applied here. In *Thompson*, both parents were alive and still married. The grandmother had taken care of the children eight to ten hours per day, five days per week for four years. The grandmother and the children's parents had a dispute over an unpaid loan to the parents and the parents thereafter objected to visitation. The court granted the grandmother visitation on the third Saturday of each month from 10 a.m. to 6 p.m.

See also supra § 8.04, note 33.

But see In re R.A.N., 435 N.W.2d 71 (Minn. Ct. App. 1989), in which the court said that the legislature limited the court's power to allow grandparent visitation. The statute allows visitation upon death or divorce of the parents, or after the child resided with the grandparents for 12 months or more. Minn. Stat. § 257.022 (1976). In this case, the court did not allow the paternal grandparents to seek visitation after their son had murdered the mother, been sentenced to prison, and voluntarily relinquished his parental rights.

In an unusual fact situation, the court in Worley v. Worley, 534 So. 2d 862 (Fla. Dist. Ct. App. 1988) ruled that the adoption of the adult child of a grandparent did not preclude the grandparent from obtaining visitation with the grandchildren who were already in being. The court added that any children born to the adult child after the adult child's adoption would have no relationship with the grandparents, and thus the grandparents could not seek visitation with them.

Granting visitation to grandparents normally requires that the grandparents petition for visitation or that there be some extraordinary circumstance. *In re* Marriage of Balzell, 207 Ill. App. 3d 310, 566 N.E.2d 20, 23 (1991) (reversing an order of visitation to the maternal grandparents when the

grandparents had not petitioned for visitation and the custodial father said he would facilitate the child's strong relationship with the grandparents).

Page 428. *Add at end of section:*

If a grandparent seeks visitation, the burden of proof normally is on the grandparent to show that visitation is in the best interest of the child—the burden is not on the natural parent to show that visitation would be harmful to the child.¹⁰⁰¹

¹⁰⁰¹*Kerns v. Southern*, 100 N.C. App. 604, 397 S.E.2d 651, 652 (1990).

Santaniello v. Santaniello, 18 Kan. App. 2d 112, 850 P.2d 269, 271 (1992) (remanding the case and holding that the burden of proof was on the paternal grandparents to show that visitation was in the best interest of the child; the burden of proof was not on the mother of the deceased father to show that visitation was not in the children's best interest).

§ 8.12 —Underlying rationale

Page 429, n. 101. In *In re* Bongardenet, 711 P.2d 92, 97 (Okla. 1985), the court found the grandmother had standing to seek visitation and commented: "The grandparents here are the child's deceased mother's parents. The importance of a continued relationship with them is perhaps more significant now than while the mother was living. . . . Equity recognizes—indeed preempts of statute—the grandparents' claim to the companionship of their grandchild. Quite often it is an important source of stability and calm in the child's environment."

§ 8.13 —Determining factors

Page 429, n. 102. *Compare* Rose v. Commissioner of Social Services, 170 A.D.2d 339, 566 N.Y.S.2d 43 (1991), in which the court denied both custody and visitation to a grandmother with "psychological problems" who illegally removed the child from the county and "has acted in an inappropriate and insensitive fashion toward the child when allowed visitation".

Page 429, n. 103. *See supra* § 8.08, note 75 and § 8.11, note 100 in this supplement. *Cf. supra* § 8.04, note 33 in this supplement.

Page 430, n. 104. In *Brown v. Earnhardt*, 396 S.E.2d 358, 360 (S.C. 1990), the court reversed an order of visitation to paternal grandparents and held it would seldom if ever be in the best interest of the child to grant visitation to the grandparents when their child, the parent, has such rights. In this case the father regularly exercised visitation, often in the company of his parents.

Also see In re Adoption of a Child by M., 140 N.J. Super. 91, 355 A.2d 241, 243 (Ch. Div. 1976).