

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

9879 HOUSE JUDICIARY



Alaska Outdoor Council

PO Box 73902
Fairbanks, AK 99707-3902
TEL/FAX: (907) 455-4AOC (4262)
e-mail: outdoor@polamet.com
web: www.alaskaoutdoorcouncil.org

Board of Directors

President
Rod Anno
Palmer

Secretary
Dave
Kelleyhouse
Tok

*Interior
1st Vice Pres.*
Dick Bishop
Fairbanks

*Southeast
2nd Vice Pres.*
Carl Rosier
Juneau

*Southcentral
3rd Vice Pres.*
Bill Iverson
Anchorage

At Large
Walt Sheridan
Juneau

At Large
Brett Huber
Soldotna

Fund Trustee
Byron Haley
Fairbanks

*Executive
Director*
Lasse Vander-
Zande:
Fairbanks

February 25, 2000

The Honorable Carl Morgan
State Capitol, Room 409
Juneau, AK 99801-1182

Dear Representative Morgan:

The Alaska Outdoor Council strongly supports HJR 56, your measure proposing a constitutional amendment to restrict use of the initiative process in wildlife management.

Alaska currently enjoys a very open, democratic, and accessible system for development of policies and regulations to manage wildlife. Based on our constitution (among the best in the Nation for wildlife conservation and allocation), Alaska's statutory framework, and the Board and Advisory Committee structure, there is so much opportunity for public involvement that it is consistently underutilized. Putting wildlife management off limits to the initiative process will not diminish meaningful public opportunity to participate in Alaska's rigorous and rational wildlife management decision-making process, in fact, it may encourage it.

The initiative process, by contrast, has been used in Alaska and elsewhere to avoid the critical professional and public review of wildlife management proposals. Instead, the initiative process has been abused by promoting "Ballot Box Biology," a technique that markets an emotionally pitched and simplistic action to promote a single interest. Through clever advertising paid for by the single interest supporters, "Ballot Box Biology" takes advantage of a misinformed public to win issues based on the "majority of the moment." Professional management and the values held by people with different interests are simply ignored or dismissed.

"Ballot Box Biology" is not the way to manage renewable resources. The Board and Advisory Committee system works, as evidenced by the fact that the Board of Game most often rejects "Ballot Box Biology" demands. We applaud your efforts to head off further abuse of the initiative process and attempts to "end-run" the outstanding Alaskan system for managing our incomparable wildlife. Again, thank you for your efforts and we look forward to working with you on this important issue.

Sincerely,

Dick Bishop
1st Vice President

COALITION FOR THE ALASKAN WAY OF LIFE
P.O. BOX 60954
FAIRBANKS, AK 99706

February 24, 2000

Representative Carl Morgan, Jr.
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Representative Morgan:

RE: HJR 56

On behalf of our coalition, I want to thank you for your introduction of this important measure. Your resolution proposing a Constitutional Amendment to finally stop these animal rights groups from abusing Alaska's democratic game management system is an important first step in bringing sanity back to the process.

As you know, our group is extremely diverse. Beginning with the fight over Proposition 9 (Wolf Snaring) on the 1998 ballot, we were able to get a wide array of interests to come together to fight this common enemy. Urban and rural. Trapper and hunter. Village trappers and urban sport hunters. We have all agreed to put aside other differences and help fight this assault on our way of life. We are very appreciative of your efforts to solve the problem.

Do not hesitate to call on us. We stand with you in defense of Alaska's wildlife and peoples.

Sincerely,

A handwritten signature in cursive script that reads "Gabriel K. Sam". To the right of the signature is a circular stamp or mark.

Gabriel K. Sam, Co-Chair
Coalition for the Alaskan Way of Life

COALITION FOR THE ALASKAN WAY OF LIFE
P.O. BOX 60954
FAIRBANKS, AK 99706

February 26, 2000

Representative Carl Morgan, Jr.
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Representative Morgan:

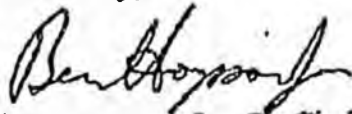
RE: HJR 56

On behalf of our coalition, I want to thank you for your introduction of this important measure. Your resolution proposing a Constitutional Amendment to finally stop these animal rights groups from abusing Alaska's democratic game management system is an important first step in bringing sanity back to the process.

As you know, our group is extremely diverse. Beginning with the fight over Proposition 9 (Wolf Snaring) on the 1998 ballot, we were able to get a wide array of interests to come together to fight this common enemy. Urban and rural. Trapper and hunter. Village trappers and urban sport hunters. We have all agreed to put aside other differences and help fight this assault on our way of life. We are very appreciative of your efforts to solve the problem.

Do not hesitate to call on us. We stand with you in defense of Alaska's wildlife and peoples.

Sincerely,



Ben Hopson, Jr, Co-Chair
Coalition for the Alaskan Way of Life



Hjr56

O
F
F
I
C
E
C
O
N
T
A
C
T
I
N
F
O
R
M
A
T
I
O
N

- Ted Schulte**
President
5554 180th St.
Sibley, IA 51249
(712) 754-3729 (H)
(712) 754-3195 (FAX)
(712) 754-3070 (FAX)
- David Bull**
First Vice-President
4941 Comanche
Pocahontas, ID 83204
(208) 332-3294 (H)
(208) 232-6095 (H)
(208) 232-6720 (FAX)
- Royce "Woody" Wood**
Second Vice-President
4245 Piedmont Court
North Las Vegas, NV 89115
(702) 643-2076 (H)
(702) 643-1070 (H)
(702) 643-7800 (FAX)
- Matt Wolfe**
Secretary
P.O. Box 309
Kathlamet, AK 99810-0309
(907) 262-7034 (H/FAX)
- Mike Raumann**
Treasurer
7346 W. 31st Hwy
Alameda, CA 94003-1637
(305) 940-8040 (H)
(305) 940-8659 (FAX)
- Stanley M. Boots**
7810 Colby Rd.
Baldwinville, NY 13027
(315) 671-0010 (H)
(315) 638-0071 (FAX)
- Virginia Fishner**
5025 N. Tomlik St.
Las Vegas, NV 89129-4735
(702) 645-3506 (H)
(702) 615-4337 (FAX)
- Wayne Heimer**
1004 Celia Pump Rd.
Litchfield, AK 99769
(907) 457-0847
wheimer@fnaaws.net
- Jeff Reynolds**
P.O. Box 146
Doniphan, MO 64633-0146
(816) 353-3693 (H)
(816) 353-3263 (FAX)
- Leland Speakes, Jr.**
Past President
P.O. Box 1073
Cleveland, MS 38933
(662) 843-2772 (H)
(662) 843-2015 (H)
(662) 843-3091 (FAX)
- Girt Thompson**
Box 9176, 29 Wain Road
Wainwright, Yukon Territory
Canada Y1A4A2
(867) 668-6504 (H/FAX)

Rep. Carl Morgan
Alaska House of Representatives
Juneau, Alaska

February 28, 2000

Dear Rep. Morgan:

My name is Wayne Heimer. I am writing in support of House Joint Resolution 56 which would end wildlife management by ballot initiative. I favor this approach. Here's why.

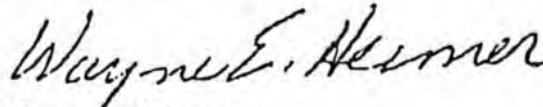
Beginning in 1971, I served in the Alaska Department of Fish and Game for 25.4 years, primarily in the areas of Dall sheep research and management. During the last five years of my career, I was thrust into the legislative and political arena by assignment to the Wildlife Conservation Division's now-extinct ANILCA team. Consequently, I suggest my exposure to legislation and politics may be beyond that of the average career biologist. I've "been through it all" with the Department of Fish and Game. During my career, I worked under every man that has ever been Governor of the State of Alaska, and I've never seen a Governor as intrusive into the management of Alaska's fish and wildlife as Governor Knowles. Also, I've never seen wildlife management as politicized or ineffective as Governor Knowles' micromangement has made it.

After retiring, I was elected to the National Board of Directors for the Foundation for North American Wild Sheep. The Foundation is a hunter-interest conservation organization dedicated to wild sheep conservation and hunting. The Foundation's members, chapters, and affiliates were actively involved in defeating the anti-snaring initiative in the last general election. While the Foundation is willing to engage in these conflicts as necessary to, as our motto states, "Put [or keep] sheep on the mountain," we are also interested in keeping hunters on the mountain. Clearly, abuse of the initiative process to lower the number of sheep or hunters on the mountains (which is how we interpreted the anti-snaring initiative,

primarily because of its extremist proponents) is contrary to our Foundation's goals.

Hence, I feel safe in saying that not only am I personally in favor of the intent of HJR 56, I have no doubt the 8,000 members of the National Foundation (which have raised approximately a third of a million dollars for sheep management in Alaska over the last three years) would also support the intent of this resolution.

Sincerely yours,



Wayne E. Heimer
1098 Chena Pump Road
Fairbanks, Alaska 99709

Scientific
Management of
Alaska's
Resource
Treasures

**PO Box 244001
Anchorage, AK
99524-4001**

*Founded in 1996 to
ensure protection of
the trust resources
through scientific
management of
Alaska's fish and
wildlife.*

Directors:
Patrick Wright
279-1340
Nick Steen
745-2739
Mark Keller
357-2520
Keith Bayha
694-4123
Frank DiPofi
344-6698



February 26, 2000

Representative Carl Morgan, Jr.
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Moragan:

Re: HJR 56

On behalf of Scientific Management of Alaska's Resource Treasures (SMART), we want to thank you for your introduction of this important measure. Your resolution proposing a Constitutional Amendment to finally stop these extreme groups from abusing Alaska's democratic game management system is a significant first step in bringing sanity back to the process.

"Ballot Box Biology" is not the way to manage Alaska's natural resources! Alaska has an extensive open and public process by which to determine wildlife management policies and regulations. Alaskans should use this system rather than deciding these critical issues on the basis of emotion from 30-second sound bites.

Do not hesitate to call on us. We stand with you in defense of Alaska's wildlife in the reasonable and systematic management of time tested established methods.

Sincerely,

Patrick Wright
S.M.A.R.T. President

Peter R. Buist
Box 71561
Fairbanks, AK 99707

February 23, 2000

Representative Carl Morgan
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

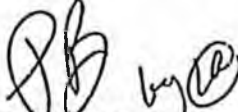
Dear Carl,

I enjoyed meeting with you in McGrath in early February. **I wish to take this opportunity to personally thank you for your introduction of HJR 56.** As you know I have spent a lot of time over the past few years working to get hunters and trappers to come together on this important issue that is common to both urban and rural hunters and trappers. It is an IMMEDIATE threat and I am most appreciative that you have risen to the occasion.

In 1996 we lost "same day airborne" because we were unprepared. In 1998, we won the wolf snare initiative, but it was terribly expensive. I do not believe it is fair to ask Alaska's hunters and trappers to keep coming up with hundreds of thousands of dollars every two years to fight these big Outside groups. The worst of it is that even when we work hard, raise the money and spend it on a campaign, **WE DON'T GAIN ANYTHING!** All we get is the status quo. That is not fair to Alaskans!

This effort that you have started is very much appreciated. It will be a tough fight, but we will win. Again, thank you very much for "taking the initiative!"

Yours truly,

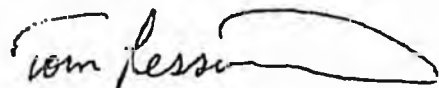

Peter R. Buist

Dear Rep. Morgan,

February, 26 2000

My name is Tom Lessard and I live in Chugiak. I am sending this note to voice my support of HJR 56. I think it is good to add wildlife issues to the list in the Constitution of items that are not allowed to be placed on ballot initiatives. The animal rights/antis have severely hobbled consumptive users around the country by selling their emotional campaigns to city folks largely ignorant of the issues. We as trappers and hunters simply do not have the financial resources to repeatedly defend ourselves against these attempts to hog-tie consumptive users. I think these decisions are best left to the professional biologists and the Board of Game after looking at all sides of the issues. They don't call it fish and game for nothing. If the antis want to have wildlife viewing areas all to themselves, they've already got it in the big National Parks and such.

Thank You for Your Consideration,



Tom Lessard
21670 Snowflower Loop
Chugiak, AK 99567

Subject: In support of HJR 56

Date: Thu, 17 Feb 2000 08:28:49 -0900

From: "Alex Whiting" <sheep@ptialaska.net>

To: <Representative_Carl_Morgan@legis.state.ak.us>

Dear Representative Morgan,

I want to thank you very much for introducing HJR 56. I have been waiting a long time trying to see such a bill introduced. I hope you are finding support for this bill and I will be writing Rep. Ogan, Rep. Bunde and Rep. Joule, all whom know my position when it comes to ballot box management, and express my support for this possible legislation. If there are any other legislators I should contact or any way I can help, please let me know.

Thank you very much and best wishes to you.

Sincerely,

Alex Whiting
Kotzebue, AK

Subject: HJR 56

Date: Thu, 24 Feb 2000 20:30:40 -0900

From: "Alan & Brenda Jones" <acjones@mosquitonet.com>

To: <Representative_Carl_Morgan@legis.state.ak.us>

Thank you! Thank you! Thank you! Thank you for introducing this legislation to make Fish and Game matters exempt from Ballot Initiatives. I feel strongly that the ballot initiative process is a good idea. It's just that it has no place in matters best handled by biologists and other Fish and Game experts. At present, a few mis-informed people can tell lies to people in the major population centers like Anchorage and Fairbanks and use emotions to get enough signatures to get an initiative on the ballot. Fish and Game issues are often charged with emotion and it is relatively easy to gather enough signatures from greenies to get the initiative on the ballot. This adversley affects the people who know better and the people who rely on a particular resource. Again I thank you!

Alan C. Jones
acjones@mosquitonet.com

1

1



Redi Electric, Inc.

ELECTRICAL CONTRACTOR



6151 A Street • Anchorage, Alaska 99518 • Telephone (907) 561-2323 • Fax (907) 563-8467 or (907) 261-3299 • TIN #92-0048392

Date: 2-25-00

To: The Honorable Carl Morgan
State Representative

Alaska State Legislature
State Capitol (MS3100)
Juneau, Alaska 99801-1182

Good afternoon Mr. Morgan,

I would like to express my support for your House Resolution Bill HJR 56.

Thank you,

Jim E. Gallagher
Direct 261-3237

"WE STAY REDI • ER THAN MOST GET"

Carol T. Torsen
1558 Thuja Avenue
Anchorage, AK 99507
Ctorsen@alaska.net 907-344-5956

February 24, 2000

Representative Carl Morgan
State Capitol
Juneau, AK 99801-1182

VIA FAX: 1-907-465-2197

REFERENCE: IN SUPPORT OF HJR-56, CONSTITUTIONAL AMENDMENT
ON WILDLIFE INITIATIVES

Dear Representative Morgan:

Having grown up on Spruce Island, near Kodiak, I know what it's like to be dependent upon wildlife resources for food. I feel that it's extremely important that we utilize all means to protect wildlife and wild areas from special interest groups outside Alaska in order to protect future generations' use of those wildlife resources. HJR-56 will protect those wildlife resources by preventing these special interest groups from using the initiative process to make wildlife policy in Alaska, policy that could be very detrimental to Alaska's subsistence users.

It has been proven over the years that Alaska's system of wildlife management has worked very well. ADF&G, along with the Board of Game and the state legislature, has ensured preservation of Alaska's wildlife for everyone to enjoy. ADF&G biologists have been trained in sound scientific methods and the professional management of Alaska's wildlife resources, which have served Alaska's people well. We do not need "Ballot Box Biology" as advocated by animal rights groups.

We should not have to spend hundreds of thousands of dollars to defend our traditional hunting and trapping rights at the ballot box every few years. HJR-56 would ensure that wildlife issues could no longer be a part of the initiative process, and therefore protected from the whims of animal rights groups.

Thank you for this opportunity to comment in favor of HJR-56.

Sincerely,



Carol Torsen

Joe & Candie Caraway
Beluga River
Beluga, Alaska 99516

February 28, 2000

Rep. Carl Morgan
House District 36
Aniak, AK

Dear Carl,

The State of Alaska has been under attack by outside animal rights groups for too long. The "anti" interest groups have attempted to dictate how we manage our renewable fish and wildlife resources. Our governor seems all too interested in catering to these uninformed, non-Alaskan voices.

Because of this unhealthy perspective that is being fostered by our administration, it is now necessary to take steps to protect our Alaskan way of life and many Alaskan traditions. Your House Joint Resolution No. 56 is just the remedy!

The State of Alaska has a fish and wildlife management system in place that allows for public input at every level. When it is allowed to function without political pressure--it is an incredible process. One, we should all be involved in and proud of as Alaskans. Our current administration is constantly thwarting the decisions of the Board of Game; and powerful money has made it's way to our state to fight Alaskans for the consumptive use of our resources. We must recognize that allowing issues dealing with fish and wildlife management to be voted on by all residents of the state is inappropriate. Management can not and should not be dealt with on an emotional level. Too often the issue is misrepresented to the uninvolved and uneducated voter. Often these same voters, when voting to stop the use of a wildlife resource feel they are paying homage, and are "doing their part". Users of Alaska resources do not have the time or monies to dispute each issue as it comes before us--election after election. Carl, for these reasons, and many others not mentioned, your bill is so badly needed.

We thank you for your efforts on behalf of Alaska's renewable resources; and we pray for your success.

Most sincerely,



Joe Caraway
Candie Caraway

Mike and Donne Fleagle
P.O. Box 33
McGrath, Alaska 99627
February 28, 2000

Representative Carl Morgan
State Capitol Building
Juneau, AK 99811

RE: Support of HJR-56

Dear Representative Morgan:

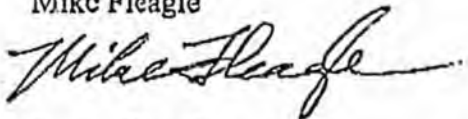
We strongly support and urge passage of HJR-56, the bill that would allow a vote for a constitutional amendment that would eliminate wildlife issues from ballot initiative.

We have seen the fine system of game management in Alaska eroded by the ballot initiative process, with the passage of the same-day-airborne hunting restrictions, and the more recent attempt to eliminate snares as a tool for harvesting wolves. We believe that wildlife management should be left to the professionals who are given the charge to do this, mainly the Alaska Board of Game and the Department of Fish and Game. The ballot initiative process precludes any biological information that might be present, and instead uses money and emotion to eliminate legal methods and means of harvesting. We have observed misleading and outright false statements made in advertisements supporting the initiative in question.

Our system of game management in Alaska is one of the finest in the country. It allows for the utmost public participation, even using a board of public citizens to enact regulation. All proposed regulation changes are available for public review before action by the board. A considerable amount of time is given at each board meeting to hear public testimony. Let us not see the continued erosion and corruption of this successful system, in fact, let us stop it now. Passage of HJR-56 does just that.

Sincerely,

Mike Fleagle



Donne Fleagle



ALASKA BOARD OF GAME
97-112-BOG

Relating to the management of Alaska's fish and game resources.

WHEREAS, since statehood, the management of Alaska's fish and game resources have been responsibly managed according to a system developed by the Alaska Legislature, namely, the Alaska Board of Fish and Game, and more recently, the Alaska Board of Fisheries and the Alaska Board of Game, and

WHEREAS, the clear intent of this process of management through a citizen's board distinct from the administrative and the legislative branches of state government was to insulate management decisions from undue political influence which could be detrimental to Alaska's fish and game resources, and

WHEREAS, it is also the clear intent to have the best scientific and historical data and information available to the Boards of Fisheries and Game when deciding management issues, and

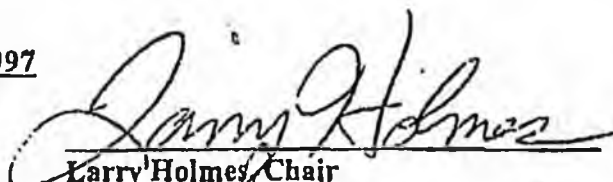
WHEREAS, management of Alaska's fish and game resources through the ballot initiative process does not allow for the consideration of this information, and may cause decisions to be made which could be detrimental to Alaska's fish and game resources,

NOW THEREFORE BE IT RESOLVED, that the Alaska Board of Game does not endorse the initiative process for management of Alaska's fish and game resources, and

BE IT FURTHER RESOLVED, that the Alaska Board of Game would encourage the Alaska Legislature to place before the voters a constitutional amendment which would prohibit management of Alaska's fish and game resources through the ballot initiative process, and

BE IT FURTHER RESOLVED, that this resolution be presented to the Governor, the President of the Senate, the Speaker of the House, and the Chairs of the Senate and House Resources Committees.

ADOPTED DATE: October 30, 1997
Nome, Alaska


Larry Holmes, Chair
Alaska Board of Game

VOTE: 6-0-1

**ALASKA BOARD OF GAME
RESOLUTION #98-120-BOG**

Relating to ballot initiative banning use of snares for harvesting wolves.

WHEREAS, the Alaska Board of Game recognizes that wolves are an important resource valued by Alaska residents, both socially and economically, and that the elimination of snares as a method of harvest would lead to economic and personal hardship for those dependent on trapping for their livelihood or recreation, and

WHEREAS, the harvest of wolves is a biologically sound practice that plays an important role in the management of other species, especially ungulates, and traps and snares are important cost-effective methods for balancing predator and prey. Snares, when properly deployed, are among the most efficient, humane, and selective methods of wolf harvest, and

WHEREAS, the group that is attempting to bring this issue to the voters has apparently submitted enough signatures to ensure a place on the ballot in 1998, with the intent to ban the use of snares to harvest wolves, and to criminalize the possession, sale, and purchase of wolves that have been snared, and

WHEREAS, the Board of Game found (98-BOG-119) that information used by the group is not representative of common trapping practices, and

WHEREAS, the Board of Game has a record of integrating informed public debate with scientific data and historical records to develop wildlife management strategies, and the use of ballot initiatives to decide management issues circumvents this process, and

WHEREAS, passage of this initiative would have significant adverse social, economic, and wildlife management implications, and

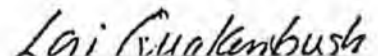
WHEREAS, the Board of Game and the Department of Fish and Game is constitutionally and statutorily mandated to manage Alaska's wildlife, including wolves, according to the sustained yield principle,

NOW, THEREFORE BE IT RESOLVED, that the Board of Game cannot support this proposed ballot initiative, and

BE IT FURTHER RESOLVED, that the Board of Game urges Governor Knowles and Commissioner Rue to issue a detailed position statement on the impacts that this initiative would have on rural economics and wildlife management in Alaska, and

BE IT FURTHER RESOLVED, that the Board of Game recognizes the right of Department personnel and individual Board members to speak freely as individuals on this issue, and encourages them to do so.

ADOPTED DATE: March 26, 1998
Fairbanks, Alaska



Lori Quakenbush, Chairman
Alaska Board of Game

SB

3

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. CS SB3 (RLS)

Revision Date/Time (Note if correction)	<u>2/18/99</u>	Dept. Affected	<u>Department of Corrections</u>
Title	<u>An Act relating to the crimes of murder, solicitation to commit murder in the first degree, manslaughter</u>	BRU	<u>Administration and Operations</u>
Sponsor	<u>Senator Halford</u>	Component	<u>All</u>
Requester	<u>Senate Rules</u>	Component Serial No.	<u>#0694</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous		35.8	35.8	86.0	143.3	179.1
TOTAL OPERATING	0.0	35.8	35.8	86.0	143.3	179.1

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF		35.8	35.8	86.0	143.3	179.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	35.8	35.8	86.0	143.3	179.1

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

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

See attached analysis.

Prepared by <u>Bruce Richards</u>	Phone <u>465-3307</u>
Division <u>Commissioner's Office</u>	Date/Time <u>2/18/99 9:12 AM</u>
Approved by <u>Commissioner Margaret M. Pugh</u>	Date <u>2/18/99</u>
Agency <u>Department of Corrections</u>	

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

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS

BILL NO. CS SB 3(RLS)
PAGE 2 of 2
DATE 2/18/99

Section 1. In consultation with the Dept. of Law it was determined this section will have a budgetary impact. However, it will most likely occur outside the scope of this fiscal note. This type of crime happens rarely and therefore is difficult to estimate the fiscal impact.

Section 2. The Dept. of Corrections does not anticipate a fiscal impact as a result of the changes made to AS 11.41.100.

Section 3 & 8. The Dept. of Law (DOL) estimates the changes proposed to AS 11.41.110(a) in conjunction with the sentencing changes under section six will impact one (1) case per year. The sentencing provisions will increase the mandatory minimum sentence from five (5) to twenty (20) years for a net gain of fifteen (15) years. Subtracting one-third for statutory good time, the actual increase in sentence will be ten (10) years per case.

Section 4. The DOL estimates the increase in penalty for criminally negligent homicide will impact one case per year. This section will raise the penalty from a class C felony to a class B felony. This will result in an additional sentence of one and a half (1.5) years. Subtracting one third for good time results in a total increase of one (1) year per case.

Section 5. No impact.

Section 9. The DOL estimates the changes proposed to AS 12.155.125(c) will impact one case per year. Under current sentencing provisions the offender would be sentenced to a five (5) year presumptive sentence. The proposed change would increase the presumptive sentence to seven (7) years for a net gain of two (2) years. Subtracting one third for statutory good time the actual increase in sentence will be 474 days per case.

Section 10. The impact from the proposed changes in section seven is difficult to project because the language is permissive and left to the discretion of the judge.

I-LS0028\H
Luckhaupt
3/9/99

3/22 adopted

HOUSE CS FOR CS FOR SENATE BILL NO. 3()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS HALFORD, Phillips, Donley, Green, Leman, Taylor, Pearce, Lincoln, Pete Kelly, Tim Kelly, Ward, Miller, Mackie

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the crimes of murder, solicitation to commit murder in the
2 first degree, conspiracy to commit murder in the first degree, manslaughter, and
3 criminally negligent homicide; relating to homicides of children; relating to
4 registration as a sex offender or child kidnapper; relating to the crime of
5 interference with custody of a child or incompetent person; and providing for an
6 effective date."

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

8 * Section 1. AS 11.31.110(c) is repealed and reenacted to read:

9 (c) Solicitation is

10 (1) an unclassified felony if the crime solicited is murder in the first
11 degree;

12 (2) a class A felony if the crime solicited is an unclassified felony other
13 than murder in the first degree;

L

- 1 (3) a class B felony if the crime solicited is a class A felony;
 2 (4) a class C felony if the crime solicited is a class B felony;
 3 (5) a class A misdemeanor if the crime solicited is a class C felony;
 4 (6) a class B misdemeanor if the crime solicited is a class A or class
 5 B misdemeanor.

6 * Sec. 2. AS 11.41.100(a) is amended to read:

7 (a) A person commits the crime of murder in the first degree if

8 (1) with intent to cause the death of another person, the person

9 (A) causes the death of any person; or

10 (B) compels or induces any person to commit suicide through

11 duress or deception; [OR]

12 (2) the person knowingly engages in conduct directed toward [,
 13 UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE
 14 VALUE OF HUMAN LIFE, IN A PATTERN OR PRACTICE OF ASSAULT OR
 15 TORTURE OF] a child under the age of 16 and the person with criminal negligence
 16 [, AND ONE OF THE ACTS OF ASSAULT OR TORTURE RESULTS IN THE
 17 DEATH OF THE CHILD; FOR PURPOSES OF THIS PARAGRAPH, A PERSON
 18 "ENGAGES IN A PATTERN OR PRACTICE OF ASSAULT OR TORTURE" IF
 19 THE PERSON] inflicts serious physical injury on the [A] child by at least two
 20 separate acts, and one of the acts results in the death of the child; or

21 (3) acting alone or with one or more persons, the person commits
 22 or attempts to commit a sexual offense or kidnapping against a child under 16
 23 years of age and, in the course of or in furtherance of the offense or in immediate
 24 flight from that offense, any person causes the death of the child; in this
 25 paragraph, "sexual offense" means an offense defined in AS 11.41.410 - 11.41.470.

26 * Sec. 3. AS 11.41.110(a) is amended to read:

27 (a) A person commits the crime of murder in the second degree if

28 (1) with intent to cause serious physical injury to another person or
 29 knowing that the conduct is substantially certain to cause death or serious physical
 30 injury to another person, the person causes the death of any person;

31 (2) the person knowingly engages in conduct that results in the death

1 of another person under circumstances manifesting an extreme indifference to the value
2 of human life;

3 (3) under circumstances not amounting to murder in the first
4 degree under AS 11.41.100(a)(3), while acting either alone or with one or more
5 persons, the person commits or attempts to commit arson in the first degree,
6 kidnapping, sexual assault in the first degree, sexual assault in the second degree,
7 sexual abuse of a minor in the first degree, sexual abuse of a minor in the second
8 degree, burglary in the first degree, escape in the first or second degree, robbery in
9 any degree, or misconduct involving a controlled substance under AS 11.71.010(a),
10 11.71.020(a), 11.71.030(a)(1) or (2), or 11.71.040(a)(1) or (2) and, in the course of or
11 in furtherance of that crime [,] or in immediate flight from that crime, any person
12 causes the death of a person other than one of the participants; [OR]

13 (4) acting with a criminal street gang, the person commits or attempts
14 to commit a crime that is a felony and, in the course of or in furtherance of that crime
15 or in immediate flight from that crime, any person causes the death of a person other
16 than one of the participants; or

17 (5) the person with criminal negligence causes the death of a child
18 under the age of 16, and the person has been previously convicted of a crime
19 involving a child under the age of 16 that was

20 (A) a felony violation of AS 11.41;

21 (B) in violation of a law or ordinance in another jurisdiction
22 with elements similar to a felony under AS 11.41; or

23 (C) an attempt, a solicitation, or a conspiracy to commit a
24 crime listed in (A) or (B) of this paragraph.

25 * Sec. 4. AS 11.41.130(b) is amended to read:

26 (b) Criminally negligent homicide is a class B [C] felony.

27 * Sec. 5. AS 11.41.320(a) is amended to read:

28 (a) A person commits the crime of custodial interference in the first degree if
29 the person violates AS 11.41.330 and causes the child or incompetent person
30 [VICTIM] to be

31 (1) removed from the state; or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(2) kept outside the state.

* Sec. 6. AS 11.81.250(a) is amended to read:

(a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, the offenses in this title are classified into the following categories:

(1) class A felonies, which characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person;

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk of physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency;

1 (6) violations, which characteristically involve conduct inappropriate
2 to an orderly society but which do not denote criminality in their commission.

3 * Sec. 7. AS 11.81.250(b) is amended to read:

4 (b) The classification of each felony defined in this title, except murder in the
5 first and second degree, attempted murder in the first degree, solicitation to commit
6 murder in the first degree, conspiracy to commit murder in the first degree,
7 sexual assault in the first degree, sexual abuse of a minor in the first degree,
8 misconduct involving a controlled substance in the first degree, and kidnapping, is
9 designated in the section defining it. A felony under Alaska law defined outside this
10 title for which no penalty is specifically provided is a class C felony.

11 * Sec. 8. AS 12.55.125(b) is amended to read:

12 (b) A defendant convicted of murder in the second degree, attempted murder
13 in the first degree, solicitation to commit murder in the first degree, conspiracy to
14 commit murder in the first degree, kidnapping, or misconduct involving a controlled
15 substance in the first degree shall be sentenced to a definite term of imprisonment of
16 at least five years but not more than 99 years. A defendant convicted of murder in
17 the second degree shall be sentenced to a definite term of imprisonment of at least
18 20 years but not more than 99 years when the defendant is convicted of the
19 murder of a child under 16 years of age and the court finds by clear and
20 convincing evidence that the defendant (1) was a natural parent, a stepparent, an
21 adopted parent, a legal guardian, or a person occupying a position of authority
22 in relation to the child; or (2) caused the death of the child by committing a crime
23 against a person under AS 11.41.200 - 11.41.530. In this subsection, "legal
24 guardian" and "position of authority" have the meanings given in AS 11.41.470.

25 * Sec. 9. AS 12.55.125(c) is amended to read:

26 (c) A defendant convicted of a class A felony may be sentenced to a definite
27 term of imprisonment of not more than 20 years, and shall be sentenced to the
28 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -
29 12.55.175:

30 (1) if the offense is a first felony conviction and does not involve
31 circumstances described in (2) of this subsection, five years;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(2) if the offense is a first felony conviction

(A) [,] other than for manslaughter [,] and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, or knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the offense, seven years;

(B) for manslaughter and the conduct resulting in the conviction was knowingly directed towards a child under the age of 16, seven years;

(3) if the offense is a second felony conviction, 10 years;

(4) if the offense is a third felony conviction and the defendant is not subject to sentencing under (1) of this section, 15 years.

* Sec. 10. AS 12.55.125(k) is amended to read:

(k) A first felony offender convicted of an offense for which a presumptive term of imprisonment is not specified under this section

(1) may be sentenced to a term of unsuspended imprisonment that exceeds the presumptive term for a second or third felony offender convicted of the same crime if the offender is convicted of criminally negligent homicide and the victim is a child under the age of 16;

(2) except as provided in (1) of this subsection, may not be sentenced to a term of unsuspended imprisonment that exceeds the presumptive term for a second felony offender convicted of the same crime unless the court finds by clear and convincing evidence that an aggravating factor under AS 12.55.155(c) is present, or that circumstances exist that would warrant a referral to the three-judge panel under AS 12.55.165.

* Sec. 11. AS 12.63.100(1) is amended to read:

(1) "aggravated sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of

1 another jurisdiction, in which the person committed or attempted to
2 commit a sexual offense, or a similar offense under the laws of the other
3 jurisdiction; in this subparagraph, "sexual offense" has the meaning given
4 in AS 11.41.100(a)(3);

5 (B) a crime under AS 11.41.110(a)(3), or a similar law of
6 another jurisdiction, in which the person committed or attempted to
7 commit one of the following crimes, or a similar law of another
8 jurisdiction:

9 (i) sexual assault in the first degree;

10 (ii) sexual assault in the second degree;

11 (iii) sexual abuse of a minor in the first degree; or

12 (iv) sexual abuse of a minor in the second degree; or

13 (C) a crime, or an attempt, solicitation, or conspiracy to commit
14 a crime, under AS 11.41.410, 11.41.434, or a similar law of another
15 jurisdiction;

16 * Sec. 12. AS 12.63.100(2) is amended to read:

17 (2) "child kidnapping" means

18 (A) a crime under AS 11.41.100(a)(3), or a similar law of
19 another jurisdiction, in which the person committed or attempted to
20 commit kidnapping;

21 (B) a crime under AS 11.41.110(a)(3), or a similar law of
22 another jurisdiction, in which the person committed or attempted to
23 commit kidnapping if the victim was under 18 years of age at the time of
24 the offense; or

25 (C) a crime, or an attempt, solicitation, or conspiracy to
26 commit a crime, under AS 11.41.300, or a similar law of another jurisdiction,
27 if the victim was under 18 years of age at the time of the offense; [.]

28 * Sec. 13. AS 12.63.100(5) is amended to read:

29 (5) "sex offense" means

30 (A) a crime under AS 11.41.100(a)(3), or a similar law of
31 another jurisdiction, in which the person committed or attempted to

1 commit a sexual offense, or a similar offense under the laws of the other
 2 jurisdiction; in this subparagraph, "sexual offense" has the meaning given
 3 in AS 11.41.100(a)(3);

4 (B) a crime under AS 11.41.110(a)(3), or a similar law of
 5 another jurisdiction, in which the person committed or attempted to
 6 commit one of the following crimes, or a similar law of another
 7 jurisdiction:

8 (i) sexual assault in the first degree;

9 (ii) sexual assault in the second degree;

10 (iii) sexual abuse of a minor in the first degree; or

11 (iv) sexual abuse of a minor in the second degree;

12 (C) a crime, or an attempt, solicitation, or conspiracy to commit
 13 a crime, under the following statutes or a similar law of another jurisdiction:

14 (i) [(A)] AS 11.41.410 - 11.41.438;

15 (ii) AS 11.41.440(a)(2);

16 (iii) AS 11.41.450 - 11.41.458;

17 (iv) AS 11.41.460 [, 11.41.440(a)(2), 11.41.450 -
 18 11.41.458. OR 11.41.460] if the indecent exposure is before a person
 19 under 16 years of age and the offender has a previous conviction for
 20 that offense;

21 (v) [(B)] AS 11.61.125 or 11.61.127;

22 (vi) [(C)] AS 11.66.110 or 11.66.130(a)(2) if the person
 23 who was induced or caused to engage in prostitution was 16 or 17 years
 24 of age at the time of the offense; or

25 (vii) [(D)] former AS 11.15.120, former 11.15.134, or
 26 assault with the intent to commit rape under former AS 11.15.160,
 27 former AS 11.40.110, or former 11.40.200;

28 * Sec. 14. APPLICABILITY OF SECTIONS 1 - 5 and 8 - 10. Sections 1 - 5 and 8 - 10
 29 of this Act apply to offenses committed on or after the effective date of this Act. However,
 30 previous convictions refer to convictions occurring before, on, or after the effective date of
 31 this Act.

1 * Sec. 15. APPLICABILITY OF SECTIONS 11 - 13. (a) A sex offender or child
2 kidnapper with, before the effective date of this Act, (1) one conviction for an aggravated sex
3 offense that is a violation of AS 11.41.110(a)(3); (2) two or more convictions for child
4 kidnapping with at least one being a violation of AS 11.41.110(a)(3); or (3) one conviction
5 for a child kidnapping that is a violation of AS 11.41.110(a)(3) and one conviction for a sex
6 offense, regardless of whether the offender or kidnapper has been unconditionally discharged
7 from that conviction or convictions, shall register under AS 12.63.010 by the 60th day after
8 the effective date of this Act. A sex offender or child kidnapper who does not have a
9 conviction for a sex offense, who has only one conviction for a child kidnapping that is a
10 violation of AS 11.41.110(a)(3), and who has been unconditionally discharged from that child
11 kidnapping on or after July 1, 1984, but before the effective date of this Act shall register
12 under and otherwise comply with AS 12.63 by the 60th day after the effective date of this
13 Act. A sex offender or child kidnapper who does not have a conviction for a sex offense,
14 who has only one conviction for a child kidnapping, and who has been unconditionally
15 discharged from a child kidnapping that is a violation of AS 11.41.110(a)(3), before July 1,
16 1984, is not required to register under this Act.

17 (b) A conviction for a sex offense or child kidnapping before the effective date of this
18 Act is a sex offense or child kidnapping for the purpose of the duration of registration
19 requirement of AS 12.63.020(a).

20 (c) In this section, "aggravated sex offense," "child kidnapping," "sex offender or child
21 kidnapper," and "sex offense" have the meanings given by AS 12.63.100, as amended by secs.
22 11 - 13 of this Act.

23 * Sec. 16. This Act takes effect immediately under AS 01.10.070(c).



**Sponsor Statement
CS Senate Bill 3(RLS)**

600 E. Kapi
Walla, A
Phone 000 000-0000

"An Act relating to the crimes of murder, solicitation to commit murder in the first degree. Conspiracy to commit murder in the first degree, manslaughter, and criminally negligent homicide; relating to homicides of children; relating to registration as a sex offender or child kidnapper; relating to the crime of interference with custody of a child or incompetent person; and providing for an effective date."

All too often, when a child is killed, even when the killer is convicted, they do not receive punishment commensurate with the severity of their actions. Tragically, this has especially been the case when very young children are killed. I believe these children, who are the most vulnerable members of our society, are owed far more than our criminal justice system has afforded them. SB 3 makes the following changes to our criminal statutes:

- *amends current law by adding a new form of first degree murder when the death of a child results from the commission or attempted commission of kidnapping, or of a sexual offense,*
- *expands the list of offenses constituting felony murder to include sexual abuse of a minor in the first and second degrees,*
- *adds a new form of second degree murder when a death of a child was caused with criminal negligence, and the offender has a previous conviction of certain crimes against a child,*
- • *elevates criminally negligent homicide from a class C to a class B felony,*
- *establishes a twenty year mandatory minimum sentence for a person convicted of a murder of a child under the age of sixteen,*
- • *increases the mandatory minimum sentence (from five to seven years) for manslaughter, when the victim is a child under the age of sixteen,*
- *establishes a new sentencing provision, which allows for a term of unsuspended imprisonment that exceeds the presumptive term, for certain felony offenses if the victim is a child under the age of 16,*
- *expands the crime of custodial interference in the first degree to include the act of keeping a child or incompetent person outside of the state,*
- *elevates solicitation of murder to an unclassified felony.*

Children deserve a responsible level of care when they are entrusted to an adult. SB 3 will help accomplish both the goals of deterrence and establishing a punishment more fitting the crime.

Identical legislation was considered by the 20th legislature and moved through the committee process in both bodies with unanimous bipartisan support before dying on the House calendar on the final day of session. Passage of this bill will correct serious deficiencies in our legal system. I urge your support.

FISCAL NOTE

No. 4
 Bill Version: SB 3
 (S) Publish Date: 1-25-99

STATE OF ALASKA
 1999 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) _____ Dept. Affected Administration _____
 Title "An Act relating to the crimes of murder..." BRU Legal and Advocacy Services
 Component Office of Public Advocacy
 Sponsor Senator Halford
 Requester (S) JUD Component Serial No. 43

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	**	**	**	**	**	**
Travel	**	**	**	**	**	**
Contractual	**	**	**	**	**	**
Supplies	**	**	**	**	**	**
Equipment	**	**	**	**	**	**
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**	**	**	**	**	**

CAPITAL EXPENDITURES	**	**	**	**	**	**
-----------------------------	----	----	----	----	----	----

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	**	**	**	**	**	**
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY99) cost: \$ _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Office of Public Advocacy is currently unable to provide precise cost data.

Prepared by Brant McGee, Public Advocate Phone 269-3500
 Division Office of Public Advocacy Date/Time 1/22/99
 Approved by Commissioner Robert G. Poe Date 1/22/99
 Agency Administration

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

No. 3
Bill Version: SB 3
S) Publish Date: 1-25-99
Dept. Affected: Law
BRU: Criminal Division
Component: 1st-4th Jud Dist, Crm Apps/Spec Lit
Component Serial No: 2198-99/226179/01/03

Revision Date/Time (Note if correction) _____
Title: An Act relating to the crime of murder and to
murder of children.
Sponsor: Senator Halford
Requester: Senate Judiciary Committee

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 3 increases the penalties for those people who kill children. These changes will have no fiscal impact on the Department of Law. The department already aggressively pursues criminal cases involving the murder of a child. Enactment of this legislation will increase the penalties for those charged, but will not increase the department's workload.

Prepared by: Joan M. Kasson
Division: Attorney General's Office
Approved by Commissioner: Bruce M. Botelho, Attorney General
Agency: Department of Law

Phone: 465-5370
Date/Time: 1/22/99, 9:14 AM
Date: 1/22/99

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

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

No. 2
Bill Version: SB 3
S) Publish Date: 1-25-99

Revision Date: _____
Title: "An Act relating to the crimes of murder..."
Sponsor: Senator Halford
Requestor: (S) JUD

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL	**	**	**	**	**	**
CONTRACTUAL	**	**	**	**	**	**
SUPPLIES	**	**	**	**	**	**
EQUIPMENT	**	**	**	**	**	**
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**
CAPITAL EXPENDITURES	**	**	**	**	**	**
CHANGE IN REVENUES ()	**	**	**	**	**	**

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	**	**	**	**	**	**
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Robert Poe Jr.
Agency: Department of Administration

Date: 1/22/99

DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

AMENDMENT

#1 3/22

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: HCS CSSB 3(), Draft Version "H" dated 3/9/99

1 Page 3, line 20:

2 Delete "AS 11.41"

3 Insert "AS 11.41.100 - 11.41.300 or 11.41.410 - 11.41.458"

4 Page 3, line 22:

5 Delete "AS 11.41"

6 Insert "AS 11.41.100 - 11.41.300 or 11.41.410 - 11.41.458"

w/drawn



OFFICE OF THE CLERK

600 E. KALIFA AVENUE
WASILLA, ALASKA 99583
PHONE (907) 566-2000

Sectional Analysis CS Senate Bill 3(RLS)

Section 1. Increases the penalty for the crime of solicitation of first degree murder from a Class A felony to an unclassified felony, bringing it in line with the crime of conspiracy to commit murder.

Section 2. (1) Simplifies the language and expands the range of conduct constituting this particular form of first degree murder. (2) Creates a new form of first degree murder when the death of a child results from the commission or attempted commission of kidnapping or a sexual offense.

Section 3. (1) Expands the list of offenses constituting felony murder to include sexual abuse of a minor in the first and second degrees. (2) Makes causing the death of a child with criminal negligence a form of second degree murder if there is a previous conviction of a crime against a child.

Section 4. Increases the penalty for criminally negligent homicide from a class C to a class B felony.

Section 5. Expands the definition of custodial interference to include keeping a child or incompetent person outside of the state.

Section 6 and 7. Adds solicitation to commit murder in the first degree and conspiracy to commit murder in the first degree to the listing of unclassified offenses and unclassified felonies.

Section 8. Establishes a mandatory 20 year minimum sentence for the murder of a child under 16 years of age, providing the assailant was a legal guardian, occupied a position of authority, or caused the death of the child by committing a crime against a person under AS 11.41.200 - 11.41.530.

Section 9. Increases the presumptive penalty for child manslaughter from 5 to 7 years.

Section 10. Allows the courts to sentence a first felony offender convicted of criminally negligent homicide of a child under 16 years of age to a longer sentence than the presumptive sentence for a second or third felony offender convicted of the same crime.

Section 11. Adds AS 11.41.100(a)(3) and certain offenses under AS 11.41.110(a)(3) to the definition of aggravated sex offense in the definition sections of the sex offender registration statutes.

Section 12. Adds AS 11.41.100(a)(3) and certain offenses under AS 11.41.110(a)(3) to the definition of child kidnapping in the definition sections of the sex offender registration statutes.

Section 13. Adds AS 11.41.100(a)(3) and certain offenses under AS 11.41.110(a)(3) to the definition of sex offense in the definition sections of the sex offender registration statutes.

Section 14 and 15. Bifurcates the applicability of the act.

Sections 1-8 apply to offenses committed on or after the immediate effective date.

Previous convictions refer to convictions occurring before, on, or after the effective date.

Sections 11-13 reach back to require registration for commission of a sex offense or a child kidnapping similar to those crimes established in AS 11.41.100(a)(3) or AS 11.41.110(a)(3) after July 1, 1984.

A conviction for a sex offense or child kidnapping before the effective date of this Act is a sex offense for registration requirements under AS 12.63.020(a).

Section 16. Immediate effective date

BILL: SB 218

SHORT TITLE: CRIMES OF MURDER & CHILD MURDERS

BILL VERSION: HCS CSSB 218(FIN)

SPONSOR(S): SENATOR(S) HALFORD, Green, Donley, Taylor, Leman, Duncan,
Lincoln, Parnell, Kelly, Pearce, Sharp, Miller; REPRESENTATIVE(S) Ogan,
Croft

CURRENT STATUS: 3RD RDG, 5/12 CAL(H)

STATUS DATE: 5/12 98

TITLE: "An Act relating to the crimes of murder, manslaughter, and
criminally negligent homicide; relating to homicides of children; and
relating to the crime of interference with custody of a child or
incompetent person."

Jrn-Date Jrn-Page Action

1/12/98	2167	(S)	PREFILE RELEASED 1/9/98
1/12/98	2167	(S)	READ THE FIRST TIME - REFERRAL(S)
1/12/98	2167	(S)	JUD, FIN
2/12/98	2495	(S)	JUD RPT CS 3DP NEW TITLE
2/12/98	2495	(S)	DP: TAYLOR, MILLER, PEARCE
2/12/98	2495	(S)	INDETERMINATE FN TO SB & CS (ADM)
2/12/98	2495	(S)	ZERO FN TO SB & CS (COR, LAW)
4/02/98	3110	(S)	FIN RPT CS 7DP NEW TITLE
4/02/98	3110	(S)	DP: PEARCE, SHARP, PHILLIPS, PARNELL,
4/02/98	3110	(S)	ADAMS, DONLEY, TORGERSON
4/02/98	3110	(S)	PREVIOUS INDETERMINATE FN (ADM)
4/02/98	3110	(S)	PREVIOUS ZERO FNS (LAW, COR)
4/06/98	3159	(S)	RULES TO CALENDAR 4/6/98
4/06/98	3160	(S)	READ THE SECOND TIME
4/06/98	3161	(S)	FIN CS ADOPTED UNAN CONSENT
4/06/98	3161	(S)	COSPONSOR(S): DUNCAN, LINCOLN, PARNELL,
4/06/98	3161	(S)	KELLY, PEARCE, SHARP, MILLER
4/06/98	3161	(S)	ADVANCED TO THIRD READING UNAN CONSENT
4/06/98	3161	(S)	READ THE THIRD TIME CSSB 218(FIN)
4/06/98	3161	(S)	PASSED Y19 N- E1
4/06/98	3166	(S)	TRANSMITTED TO (H)
4/07/98	2897	(H)	READ THE FIRST TIME - REFERRAL(S)
4/07/98	2898	(H)	JUDICIARY, FINANCE
5/01/98	3395	(H)	JUD RPT HCS(JUD) 7DP
5/01/98	3396	(H)	DP: PORTER, ROKEBERG, CROFT, GREEN,
5/01/98	3396	(H)	JAMES, BUNDE, BERKOWITZ
5/01/98	3396	(H)	SENATE INDETERMINATE FN (ADM) 2/12/98
5/01/98	3396	(H)	2 SENATE ZERO FNS (COR, LAW) 2/12/98
5/06/98	3558	(H)	FIN RPT HCS(FIN) 8DP
5/06/98	3558	(H)	DP: THERRIAULT, MULDER, KOHRING, MARTIN,
5/06/98	3558	(H)	DAVIES, GRUSSENDORF, MOSES, KELLY
5/06/98	3559	(H)	SENATE INDETERMINATE FN (ADM) 2/12/98
5/06/98	3559	(H)	2 SENATE ZERO FNS (COR, LAW) 2/12/98
5/11/98	3826	(H)	RULES TO 1ST SUPPLEMENTAL CAL 5/11/98
5/11/98	3826	(H)	READ THE SECOND TIME
5/11/98	3827	(H)	FIN HCS ADOPTED UNAN CONSENT
5/11/98	3827	(H)	ADVANCED TO THIRD READING 5/12 CALENDAR
5/12/98	3904	(H)	MOVED TO BOTTOM OF CALENDAR
5/12/98	3940	(H)	NOT TAKEN UP
5/12/98	3941	(H)	CROSS SPONSOR(S): OGAN, CROFT

Mother decries short sentence

Vows fight to change law so killers punished

By LEE JORDAN
Alaska Star Editor

Linda Tellsworth insists that justice was not served when the woman who killed her baby received a sentence that will make her eligible for parole after serving about 66 months in jail. Tellsworth has mounted a campaign to demand changes in the law.

"People need to know they will be held accountable if they kill a baby," Tellsworth said Monday. She is circulating flyers with her son's

picture and a heading that reads, "Murder this baby and you will only get 5 and 1/2 years! If you disagree, please contact your local senator."

Eagle River daycare operator Michelle Dague, 29, on Friday was sentenced by Judge Milton Souter to 20 years in prison with an additional 20 years suspended. Souter said, though, that Dague should be eligible for parole after serving as little as 5-1/2 years. If she is paroled, she would be required to be on probation for 10 years. She also was ordered to pay \$1,000 in restitution.

The sentence is the minimum in the range he had recommended, said John Novak, chief assistant district attorney. Novak had asked Souter to require Dague to spend 20 to 30 years in prison.

An Anchorage jury in April convicted Dague of killing 10-month-old Kyle Tellsworth who on Jan. 28, 1977 had been left at the home-based daycare center by his mother, a neighbor of Dague's. Dague initially denied harming the child, saying he had fallen. In (See MOTHER, Page 2)



Linda Tellsworth is posting flyers with son Kyle's photo.

STAR PHOTO BY LEE JORDAN

MOTHER:

(Continued from page 1)

court, she admitted that she had thrown Kyle, who she said had been crying incessantly, during a moment of blind rage caused by a severe headache. She said she suffered from migraine headaches.

Novak's witnesses, however, testified that the woman had probably held the child's feet and forcefully slammed his head against something hard. During an interview, Tellsworth painstakingly and graphically described the massive injuries to Kyle's head that resulted in his death.

The jury convicted the woman of second degree murder.

Reaction to Souter's explanation of the sentence sent Tellsworth on a mission to change the law. "It's wrong," she said, adding that the judge had said there was no need for punishment in this case.

"Someone who kills a baby, no matter what the excuse, has to be held accountable," Tellsworth said. "Other people have to know that, no matter what the excuse, if they give in and do something terrible like this, they will have to pay the consequences."

The judge's explanation, Novak said, is required under a "truth in sentencing" law that was passed in the last year or so.

"The judge is required to tell what the sentence means," Novak said. The law is designed to "let people know that when a person is sentenced to 20 years, it doesn't mean that person will necessarily spend 20 years in jail."

"Someone who kills a baby, no matter what the excuse, has to be held accountable."

— Linda Tellsworth

Under sentencing guidelines, the prosecutor said Souter "had a lot of discretion. He could have imposed anywhere from five to 99 years in prison."

There is a difference between the federal system and the one under which Alaska operates, Novak said. In the federal criminal justice system, "good time maybe amounts to one month off for each year served." That would take 20 months off a 20-year sentence.

Under Alaska law, however, the offender is required to serve two-thirds of the presumptive time, then

one-third of the balance. Souter explained that under the law, five and a half years would be the earliest Dague could expect to be released, Novak said.

"It's up to the parole board" when she might be released, Novak said.

Tellsworth said she cannot accept the situation surrounding the event that changed her life.

"(Dague) will be at Hiland Mountain (Correction Center in Eagle River). Her family can go and visit her.

She's only spent 60 days in jail since she was arrested. And now they're going to let her out in five and a half years? That's wrong."

Tellsworth's flyers list Sen. Randy Phillips as the person to contact with demands for changes in the law.

Phillips said this week that he has directed his staff to investigate the case in order for him to see if the law was followed and to consider possible changes.

"It could be that (Tellsworth) is right," Phillips said. "It certainly raises questions in my mind."

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

July 23, 1998

The Honorable Randy Phillips
Alaska State Senator
P. O. Box 142
Eagle River, AK 99577

Dear Senator Phillips:

This is in response to your request for our comments about the Alaska laws relating to child homicides, and the sentencing in those cases. Let us start by pointing out that we continue to support the ideas in Senate Bill 218, introduced last session by Senator Halford. That bill would have made several important changes in the laws that define homicides when the victim is a child. In general, the bill would have made many homicides more serious offenses, carrying more serious penalties.

In addition, the bill would have made many changes to the sentencing in child homicide cases. For example, under current law a judge has the discretion to give a sentence as low as five years for second degree murder. Indeed, were it not for the powerful and moving testimony and letters of Linda Tellsworth and her family and friends, we might not have gotten the sentence that we did in the recent case of the murder of Kyle Tellsworth. Senate Bill 218 would have changed the law such that 20 years of unsuspended time would be the *minimum* that could be imposed if the victim is under 16 and the death occurred by violent means. Senate Bill 218 would have also made sentences longer than are now being given, even if the defendant is convicted of lesser offenses such as manslaughter and criminally negligent homicide. We believe these are appropriate changes, and we support them.

PLEASE REPLY TO:

- CRIMINAL DIVISION CENTRAL OFFICE
P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3428
FAX: (907) 465-4043
- CRIMINAL DIVISION CENTRAL OFFICE
310 K STREET, SUITE 501
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-6379
FAX: (907) 269-6321
- OFFICE OF SPECIAL PROSECUTIONS AND APPEALS
310 K STREET, SUITE 308
ANCHORAGE, ALASKA 99501-2064
PHONE: (907) 269-6250
FAX: (907) 269-6270

The Honorable Randy Phillips
Alaska State Senator

July 23, 1998

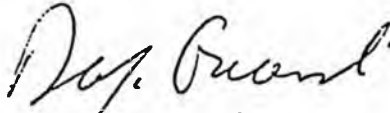
Page 2

We understand you will be meeting with Linda Tellsworth, and we ask that you convey to her our gratitude for her letters and testimony. We cannot hope to fully appreciate what she is feeling, and we know her testimony must have been painful for her.

Please contact us if we can be of further assistance.

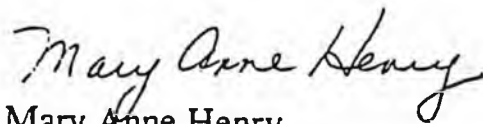
Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Dean J. Guaneli
Chief Assistant Attorney General

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Mary Anne Henry
Assistant District Attorney

DJG:tg

FEB 2 1999

729 East 75th Avenue
Anchorage, AK 99518
(907) 344-0616
Feb. 24, 1999

Senator Halford
State Capitol Building
Juneau, AK 99801

Dear Senator Halford:

We were pleased to hear that you support Senate Bill 3 that will give longer jail time to people that kill babies.

On June 9, 1997 we brought Timothy Kalmakoff home from the hospital. His birth mother, Karey Kalmakoff, wanted us to adopt him because she was not able to care for him. He was such a calm and peaceful baby. We loved and cared for him. On the tenth day, his birth mother wanted Timothy back. She couldn't live without him.

A month later, we were asked to go to the hospital. Five days later he died from being shaken to death. The medical staff said that Timothy had hemorrhages in his eyes that were in various stages of healing. The nurse told me that meant that he had been shaken repeatedly. He also had ribs that were healing. That means that baby Timothy lived in pain for much of the last month of his life.

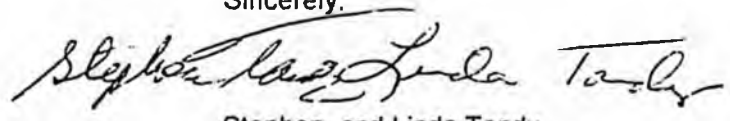
Mark Nusbaum, the boyfriend, was brought to trial (Court No.3AN-S97-5750). The first trial was a hung jury. The second trial never took place. He is out with only a little over a year spent in jail.

It is our hope and prayer that no child ever has to go through what Timothy did. The only thing that gives us peace is that Timothy is safe in the arms of Jesus. No one can hurt him again.

We heard that people that kill babies do not get more than 2 years in jail. Now, we know that this is true. Why is the life of a baby of less value than an adult? We do not think so.

We support any bill that you pass that will tell everyone that babies and young children are valuable to the State of Alaska.

Sincerely,



Stephen and Linda Tandy



Anchorage man charged with shaking

By DANIELLE STANTON
Daily News reporter

An 18-year-old Anchorage man was charged Friday with second-degree murder in the death of his girlfriend's month-old baby.

Mark Adam Nusbaum allegedly killed the baby by shaking him while the mother was at work Sunday, according to documents filed

Friday in district court.

Nusbaum was being held Friday at Cook Inlet Pre-Trial Facility in lieu of \$250,000 bail, police spokesman Ron McGee said.

The baby, Tim Kalmakoff, died Thursday at Providence Alaska Medical Center. He had been on a life-support system since Monday.

An autopsy performed Friday by

a state medical examiner showed the baby had blunt traumatic injuries to the head, which are consistent with shaken baby syndrome. He also had fresh rib fractures, evidence of having been grabbed under the arms and violently shaken, the document says.

The autopsy also revealed evidence of earlier abuse — healed rib

month-old infant to death

fractures and bruising on the chest wall — the document says.

Nusbaum told police detective Linda Branchflower that he sometimes became frustrated with the baby and would abruptly lay him down.

On Sunday, the baby continued to cry after his 19-year-old mother, Karey Kalmakoff, left for work,

Nusbaum told police. He said he had tried to feed the baby. Then he put him in a swing. When Nusbaum bounced the baby on his knee, the infant finally quieted down.

Nusbaum told police he called his girlfriend twice at work to tell her the baby seemed unusually tired, he

Please see Page B-3, INFANT

INFANT: Man charged with shaking baby to death

Continued from Page B-1

told police.

Nusbaum took the baby when he went to pick up his girlfriend at work about 7 p.m. The mother noticed the baby seemed limp, that one pupil was larger than the oth-

er and that his skin was cold.

The couple immediately drove the baby to Alaska Native Medical Center. Nusbaum told a doctor that the baby had been in that condition since noon.

The child was later transferred to Providence.

AUTHORIZATION FOR RELEASE OF MINOR AND/OR MINOR'S RECORDS TO PERSON OTHER THAN PARENT OR GUARDIAN

Ataska Native Medical Center, 4315 Diplomacy Dr., Anchorage, Ak.

Name and Address of Facility Where Minor and/or Minor's Records Are Located:

I/We, as the parent(s) or guardian(s) of Timothy Adam Kalmakoff, born 6-8-97
(Name of Minor) (Date)

at ANMC. hereby: (Mark out any statement that does not apply)
(Place of Birth)

1. Authorize the Service Unit Director of the above facility, or his/her designee, to release, when ready for discharge, said minor into the care of:

Steve & Linda Tandy
(Name of Individual or Agency)

Anchorage, AK
(Address)

2. Authorize the Service Unit Director of the above facility, or his/her designee, to furnish information from or copies of said minor's health record, covering the following dates (Inclusive):
6-8-97 to D/C, to:

Steve & Linda Tandy
(Name of Health Professional or Agency)

(Address)

I/We have read the above (the above has been read and explained to me/us by: Joan E. Galt)
and this consent is voluntarily executed. (Name) A.C.S.

PARENT(S) OR GUARDIAN(S):

Karen K. Kalnakoff
(Signature)

6-9-97
(Date)

2080 Diamond Dr
(Address)

Anchorage, Alaska 99507
(City) (State)

(Signature)

(Date)

(Address)

(City)

(State)

WITNESS:

Joan E. Galt
(Signature)

6-9-97
(Date)

ANMC. 4315 Diplomacy Dr.
(Address)

Anchorage, AK 99508
(City) (State)

Imprint of Minor's Identification Plate

(Name) Kalmakoff, Timothy Adam
(Record #) 13-62-40
(DOB) 6-8-97

AUTHORIZATION FOR RELEASE OF MINOR AND/OR MINOR'S RECORDS TO PERSON OTHER THAN PARENT OR GUARDIAN

January 22, 1999

Karen Campbell
2024 Saratoga Ave.
Anchorage, AK 99517

Senator Rick Halford
State Capitol
Juneau, AK 99801-1182

Dear Senator Halford,

I am Karen Campbell, Bonnie Craig's mother. Bonnie was on her way to school when she was brutally raped and murdered September 28, 1994. Her murderer is still free, free to continue harming the children in our community.

Losing a child is the worst possible pain anyone could go through. The whole family is devastated for years to come. The struggles of dealing with such a senseless tragedy continue to affect my life and the life of Bonnie's brothers and sister. A child's future was taken away. We will never see her graduate from college, her wedding day, or the birth of children she planned. She could have been a doctor or a Nobel Prize Winner. Now, we only have pain and memories.

It saddens me greatly when criminals don't seem to get as much of a sentence for murdering an infant, toddler, or teenager, as they would an adult. Our children are worth so much more. It is our duty to protect our children, our future, and make sure anyone responsible for the death of a child will pay greatly.

I strongly support Senate Bill no. 218. I urge all our lawmakers to stand behind this bill and ensure its swift passage.

Sincerely,



Karen Campbell
(907) 261-7662

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

FEB 23 1999

February 19, 1999



Business Manager

Joseph E. Young
Anchorage

Board of Directors

John Charbonneau, President
Anchorage

Robin Lown, Vice President
Juneau

Michael Corkill, Past President
Anchorage

Tod McGillivray, Member
Kenai
Pres. Kenai Chapter

Leo Brandlen, Member
Anchorage
Anchorage Chapter

Angella Long, Member
Palmer
Pres. Mat-Su Chapter

Tonya Barnes, Member
Fairbanks
Pres. Farthest North Chapter

Robert Fletcher, Member
Juneau
Pres. Capitol City Chapter

Leroy Mestas, Member
Ketchikan
Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

Senator Halford
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

Dear Senator Halford,

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse SB 3.

Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Thank you for sponsoring this legislation.

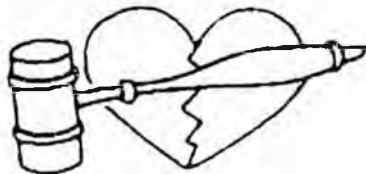
Sincerely,

John Charbonneau

State President

Alaska Peace Officers Association

VICTIMS



for Justice 619 East Fifth Avenue • Anchorage, AK 99501
(907) 278-0977 • Fax: (907) 258-0740

January 21, 1999

Senator Robin Taylor, Chair
Members of the Judiciary Committee
State Capitol
Juneau, AK 99801-1182

Re: YES on Senate Bill 3!

Dear Senator Taylor and Members of the Judiciary Committee:

A child is dead! Our minds stagger at the jarring impact. One of the greatest tragedies of all is the death of a child from abuse or neglect. It is not an accident when a child is so severely abused or neglected that it results in death. Parents/legal guardians deliberately murder children every year!

We are shocked and horrified by these senseless deaths of children. What remains equally senseless is that most of the people who murder these children receive very little jail time or no jail time at all.

Victims for Justice strongly supports the proposed Senate Bill 3: "relating to the homicide of children."

Crimes of violence that destroy our children must not be minimized or trivialized. It is time to ensure that those who abuse and kill our children are dealt with in the strongest possible terms. The laws must change so innocent children will be saved.

Please support the passage of Senate Bill 3.

Sincerely,


Cathy Satterfield
Director

To Senate Staff:

I have been informed that CS SB 3(RLS) "Crimes of murder/Child Murders" by Senator Halford will be on the calendar tomorrow. Please be advised that the Department of Public Safety supports the Rules CS. We have worked with the sponsor on the bill and the committee substitute.

If you have any questions please feel free to call me.

Sandy Perry-Provost

--

Sandy Perry-Provost
Special Assistant
Department of Public Safety
465-2649 tel
465-4362 fax
sandra_perry-provost@dps.state.ak.us

RECEIVED
JUL 03 1999
Ans'd.....


Sen. Rick Halford
P.O. Box 670190
Chugiak, AK 99567

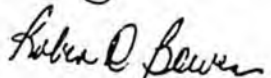
Dear Senator Halford;

WASP (We Against Sexual Predators) would like to thank you for your recent letter updating us and informing us on the close of session status of your bills SB216, SB218, SB219. We express our continued support and determination to see your excellent work through to its completion in the up-coming term.

Thank you also for your heart for the children of Alaska and your diligence in presenting legislation long over-due for Alaska. We are indeed fortunate to have such a concerned Senator in our legislature.

Respectfully,




Robin D. Bowen
Suzanne L. Olivieri
WASP

Author: ruawaic@aonline.com (Administration)•at CC2MHS1
Date: 1/26/98 4:58 PM
Priority: Normal
TO: Senator Rick Halford at LAA_TRANS
Subject: LSB218
January 23, 1998

Senator Rick Halford
State Capitol
Juneau, AK 99801-1182

RE: SB218

Dear Senator Halford:

Thank you so much for sponsoring SB218, "An Act relating to the crime of murder and to murder of children." AWAIC provides shelter to children made homeless by domestic violence. In fact, at any given time, about sixty percent of our clients are children. As a long-time children's advocate, I certainly agree with your statement that children are the most vulnerable members of our society. They certainly deserve more protection than our society has afforded them. Your bill moves the system in the right direction. I appreciate your taking this initiative and will do whatever I can to provide support. Please let me know what I can do to be helpful.

Sincerely,

Jan MacClarence
Executive Director

cc: Sen. Robin L. Taylor
Sen. Drue Pearce
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis
Lauree Hugonen, Alaska Network on Domestic Violence and Sexual
Assault

SB

4

MEMORANDUM

To: House judiciary Committee
Cc. Senator Halford
Fr: Rep. Joe Green
Re: SB 4 sub-committee

Chairman Kott asked that we look at four different concerns raised in the Judiciary Committee testimony. The concerns were:

- 1) Where should the Office of Victim's Rights be located?
- 2) Are the qualifications required of the advocate justified?
- 3) Is there a need to have an attorney in the position of advocate?
- 4) Should the language relating to an annual report be amended to require it be made available to the public as opposed to "submitting to the public."

The sub-committee has made the following changes:

- 1) The Office of Victim's Rights is placed within the legislature, thus returning to the Senate Judiciary CS.
- 2) The qualifications for the advocate position are justified and no changes are recommended although there were no objections to removing the requirement of "21 years of age."
- 3) The sub-committee felt that at least one attorney position was necessary to ensure that the advocate could be effective.
- 4) The sub-committee changed the requirement that the advocate "submit" the annual report to the public and replaced it with a requirement that the report "be made available to the public." (page 9 Line 29 Senate JUD CS)
- 5) The sub-committee also changed the language prohibiting the victim's advocate from advising a victim against cooperating with law enforcement to against cooperating in an investigation. (Page 6 line 31; Page 7 lines 1-3; Senate JUD CS)

S B

1 1



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

**Sponsor Statement
for
CS for Senate Bill 11 (JUD)
Reducing Good Time Credit for First and Second Degree Murder**

Senate Bill 11 would reduce good time sentence reduction by one-half for individuals convicted of first and second degree murders.

Under Alaska statute 33.20.10, a prisoner is entitled to a deduction of one-third of the term of imprisonment if the prisoner follows the rules of that correctional facility. This is known as a "good time" credit and applies to prisoners convicted of an offense against the state or a political subdivision of the state.

Alaska has one of the most liberal "good time" provisions in the nation. Alaska's one-third sentence reduction for "good time" is extremely liberal compared to federal statutes, which require federal offenders to serve at least 85% of the sentence imposed. Additionally thirty states also require at least 85% of the sentence be served. The federal government has asked all states to adopt this 85% standard.

SB 11 would reduce the "good time" sentence reduction by one half for individuals convicted of murder in the first or second degree.

Affording convicted murderers the same "good time" privileges as those who commit less serious crimes is poor public policy. Senate Bill 11 addresses this injustice by preventing excessive sentence reductions on those individuals who maliciously take human life.

DD/jja

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee •
MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council



NATIONAL CONFERENCE OF STATE LEGISLATURES

1560 Broadway Suite 700, Denver, CO 80202-5140 (303) 830-2200

1993 – 1998 State Laws related to “Truth in Sentencing”

Florida S 1522 (1998) Prohibits shortening of a sentence if a defendant would serve less than 85 percent of term of imprisonment. Clarifies circumstances for departure from lowest permissible sentence. Requires department of corrections to report on trends in sentencing scores and practices; and that the Criminal Justice Estimating Conference project impact of proposes changes to the punishment code on future prison populations.

Illinois H 3500 (1998) Eliminates good conduct credits and requires entire sentence imposed to be served by prisoners sentenced for first degree murder and to natural life terms. Reduces good conduct credits to require 85 percent of sentence served for many other serious and violent felonies. Sets policy for revoking, suspending and reducing good conduct credits, including loss of credits for frivolous lawsuits. Establishes Truth-in-Sentencing Commission to study and suggest sentencing policy. Also requires judicial statement in sentencing as to the approximate time a defendant will serve.

Iowa H 2002 (1998) Adds attempted murder to crimes for which persons convicted must serve at least 85 percent of the sentence imposed.

Kansas S 262 (1998) Requires the court to state the sentence a defendant will serve, including maximum potential sentence reduction as a result of good time and the period of post-release supervision. Under sentencing grid, allows courts the option of sentencing specified offenders to non-prison treatment programs.

Kentucky H 455 (1998) Eliminates parole for violent, persistent felony offenders; and requires that all violent offenders serve 85 percent of the sentence imposed.

New York S 7820 (1998) Eliminates parole, requiring a determinate sentence for all violent felony offenders (including first such offense). Establishes periods of post-release supervision as part of the sentence and allows imprisonment of up to five years for violating conditions of supervision

Oklahoma H 1002 (1998 1st Extraordinary Session) Delays implementation of truth in sentencing legislation of 1997.

Wisconsin A 351 (1998) Creates new sentencing structure for felony offenses, increasing the maximum imprisonment time imposed. Abolishes parole, requiring 100 percent of sentence for all felony offenders plus a term post-prison extended supervision equal to at least 25 percent prison term. Creates a Criminal Penalties Study Committee to review, make recommendations on classification of criminal offenses, penalties for felonies and class A misdemeanors. Also creates a sentencing commission to develop advisory sentencing guidelines for judges

Alaska S 67 (1997) Truth in Sentencing Act requires the court to state and include in the sentencing report information on the minimum term that the defendant is expected to actually serve prior to release or parole.

Delaware S 131 (1997) Authorizes sentencing courts to require that a specified portion of a prison term be served without any form of early release, good time, furlough, work release, supervised custody or any other reduction of sentence.

Florida H 1371 (1997) The Prison Release Recidivist Punishment Act requires mandatory minimum sentences and that 100 percent of the court-imposed sentence be served for offenders who commit a qualifying offense within five years of release from prison. Offenses include weapon use in a criminal offense and various crimes against children.

Louisiana H 1915 (1997) Changes computation of good time for prisoners. Sets rate of 30 days for every 30 days good behavior and self improvement for some prisoners; for others convicted of a crime of violence the rate is three days for every 17 days good behavior.

New Jersey S 855 (1997) Requires a fixed, minimum term of 85 percent of sentence for first and second-degree violent crimes, plus a three to five year period of parole supervision. Violent crimes include those causing death, serious bodily injury, or use or threatened immediate use of a deadly weapon. Also includes any aggravated sexual assault or such assault using or threatening physical force.

North Dakota H 1089 (1997) Requires that violent offenders sentenced to life imprisonment with possibility of parole will serve a term computed as life expectancy based on a recognized mortality table, without parole eligibility until that requirement is met.

Oklahoma H 1213 (1997) Truth in Sentencing act requires that 85 percent of the sentence be served by serious, violent offenders. Non-violent offenders are required to serve 75 percent of sentence, some in community corrections, which is expanded locally under the act. Establishes sentencing commission to review impact of legislation, and so establishes planning process for future prison bed needs, including selection process for private prisons.

Alaska H 38 (1996) Eliminates good time for offenders serving mandatory 99-year sentences and requires that those offenders may apply just once for modification or reduction of sentence, after serving one-half of the mandatory or 30 years. Also adds, for purposes of considering prior convictions in imposing "three strikes" sentences, convictions in another jurisdiction for offenses having similar elements to applicable serious felonies.

Delaware H 507 (1996) Applies minimum sentence to habitual criminals convicted of a fourth felony, when the fourth conviction is for any one of more than 50 designated "violent felonies."

Florida S 156 (1996) Establishes eight-year revision cycle for crime and other public safety statutes and guiding principles for justice information technology. Redefines habitual and violent felony offenders to include felonies committed while serving prison sentence and limits gain time for such offenders to ensure 85 percent of sentence served. Also limits gain time for felonies involving weapon or firearm; and includes drug, sex offender, juvenile provisions.

Iowa H 2316 (1996) Requires persons to serve twice the maximum term for a "sexually predatory" serious or aggravated misdemeanor offense when they have one prior such conviction, and a mandatory ten year sentence and serve at least 85 percent of the sentence if they have two or more prior such convictions. Requires twice the maximum term or 25 years, whichever is greater, with sentence reductions limited so that no less than 85 percent of the sentence is served, for conviction of a "sexually predatory" felony. Also requires up to two years of community supervision (parole or work release) for sexually predatory offenders, as defined in the act to broadly include sexually violent or abusive crimes.

Iowa S 2114 (1996) Requires that persons imprisoned for forcible felonies serve 100 percent of the maximum sentence term, without eligibility for parole or work release. Also directs legislative council to establish sentencing task force.

South Dakota S 273 (1996) Eliminates good time and establishes minimum sentence that must be served before parole eligibility for each felony class. Number of felony convictions is a factor in sentence length. Less serious offenses and offenders may serve 25% of sentence before parole eligibility; more serious and frequent offenders will serve 75 and 100% of sentence. Requires DOC to keep conduct record of each inmate which can be used in considering parole release, but without sentence credits related to conduct.

Arkansas S 820 (1995) Offenders convicted of first-degree murder, kidnapping, aggravated robbery, rape and causing a catastrophe must serve 70% of sentence.

Connecticut S 927 (1995) Requires certain offenders serve at least 85% of the sentence imposed and directs the parole board to adopt guidelines and procedures for classifying people as violent offenders not limited to the elements of the offense or offenses for which they are convicted. Applies to offenders eligible for parole who used, attempted or threatened use of force against another person. (Previous law makes a capital felony, murder, or any offense committed with a firearm at or near school ineligible for parole.)

Florida H 687 (1995) "Stop Turning Out Prisoners Act" requires offenders to serve a minimum of 85% of the sentence imposed, with gain time limited accordingly. State prisoners sentenced to life imprisonment, including for capital felonies, will be incarcerated for the rest of their natural lives. All prison sentence offenses are affected.

Florida S 168 (1995) "Officer Evelyn Gort and All Fallen Officers Career Criminal Act" establishes three strikes-type penalties and includes 85% requirement for some. "Habitual felony offenders" have had 2 or more felonies and get terms from life to not exceeding 10 years; "habitual violent felony offenders" have had 1 or more previous violent crime convictions and get from life, with no release eligibility for 10 years, to 10-year sentences with no release eligibility for 5 years; "violent career criminals" have been convicted as an adult 3 or more times for violent crimes and get from life, with no release eligibility, to mandatory minimum of 10 years. "Violent career criminal," established in a separate proceeding, "gain time" limited to require 85% of sentence served. Courts must give written reasons for not imposing statutory sentences, addressing protection of the public.

Illinois S 187 (1995) Limits good conduct credits to require offenders serve at least 85% of sentence imposed. Also creates Illinois Truth-in-Sentencing Commission, charged with facilitating and monitoring implementation of 85% of sentence measure. 85% applies broadly to serious, violent crimes. Offenders imprisoned for first-degree murder receive no good conduct credit and will serve 100% of sentence.

Louisiana H 146 (1995) Requires certain offenders serve at least 85% of the sentence imposed before being eligible for parole. Life sentences must be commuted to fixed term of years to be eligible for parole consideration.

Louisiana S 1418 (1995) Requires established sentences must be served, without benefit of probation, parole or suspension of sentence and with good conduct limitations. Rape, 25 years; sexual battery, 10 years; aggravated sexual battery, 15 years.

Maine S 201 (1995) Reduces statutory meritorious good time to ensure that the term of imprisonment imposed closely approximates that which will be served. Applies to all crimes and prisoners.

Mississippi S 2175 (1995) Earned-time credits are limited to require that inmates serve at least 85% of prison term. Having served 85% and once released, inmates are placed under earned-release supervision until expiration of the full term. Inmates serving life sentences, except those imprisoned for life for capital murder, may petition for conditional release after age 65 and at least 15 years served. The law also establishes a reconstituted state parole board, and on July 1, 2000, transfers those duties, responsibilities to the Department of Corrections, eliminating the parole board, as such. All prison inmates affected.

Montana H 356 (1995) Simplifies and calls for phasing out all good time by 1997, pending recommendations of a sentencing commission, established in the legislation. Meanwhile, actual time served not substantially affected. Applies to all prison inmates.

New York S 5281 (1995) Sentencing Reform Act includes truth, 85%-type provisions and habitual offender measures. Also changes previous law for second felony offenders. Establishes determinate sentences under which offenders are not eligible for discretionary release and may not be paroled prior to serving six-sevenths of the set term. Determinate sentences are imposed on violent felony offenders with a prior felony conviction. Also creates commission to study the effects of the Sentencing Reform Act. The six-sevenths of sentence determinate sentences apply to Class B violent felony offenders who must serve 8 to 25 years; Class C violent felony offenders who are to serve 5 to 15 years; Class D violent felony offenders who must serve 3 to 7 years; and Class E violent felony offenses, which carry set sentences of 2 to 4 years. The parole sentence provisions for second nonviolent felony offenders applies to specified offenses including, but not limited to, criminal mischief, grand larceny, forgery, some controlled substance felony offenses.

North Dakota H 1218 (1995) Requires imprisoned, violent offenders must serve 85% of sentence. Violent offenders include those convicted of murder, manslaughter, aggravated assault, kidnapping, gross sexual imposition, robbery, burglary or attempts to commit the offenses.

Ohio S 2 (1995) Establishes new framework for felony sentencing, sets principles to guide courts in imposing sentences and specifies presumptions for imposing prison terms for certain felonies. Some mandatory minimum sentences required under law, including for repeat violent offenders on whom the court must impose a prison term from the range authorized for the offense, which cannot be reduced by judicial release, earned credit or any other provision for release. Reclassifies drug trafficking and possession offenses. Specifies financial sanctions, residential and nonresidential prison alternatives. Sets sentencing procedure and sentence appeals. Establishes sentence of life imprisonment without parole as additional alternative to the death penalty in applicable cases.

Oregon H 3439 (1995) Creates mandatory minimum sentences for some crimes. Extends to 25 years the period of time that a person sentenced to life imprisonment for aggravated murder must serve before parole board considers rehabilitation, release. Includes many violent crimes, including murder, attempt or conspiracy to commit murder, manslaughter, assault, kidnapping, rape, sodomy, unlawful sexual penetration, others.

South Carolina H 3096 (1995) Creates "no parole offenses." Requires that 80% of sentence must be served before eligibility for work release and 35% for early release, discharge or community supervision. "No parole offenders," must serve up to 2 years community supervision following prison term. "No parole offenses" are Class A, B or C felonies including many serious, violent crimes punishable by 20 years or more in prison. Life without parole sentence applies to "most serious offenses," including many serious violent felonies, drug trafficking, some bribery, embezzlement, certain accessory and attempt offenses.

Tennessee H 1762 (1995) Eliminates release eligibility for persons convicted of certain crimes and limits sentence credits to require at least 85% of sentence is served. Applies to 11 violent, often aggravated, crimes including murder, rape, rape of a child, kidnapping, robbery, sexual battery, arson, child abuse.

California (1994) Requires offenders in prison for violent felonies to serve 85 percent of the sentence imposed. Limits worktime credits to 15 percent of the sentence.

Missouri (1994) Requires certain categories of repeat or dangerous felony offenders to serve 50 percent, 80 percent, or 85 percent of a sentence. Retains parole release after those minimum sentences are served.

Virginia (1994 special session) Abolished parole and good conduct allowance for anyone convicted of a felony. Permits the court to add a post-release supervision term to the imposed prison sentence.

Arizona (1993) Requires inmates to serve 85 percent of their sentence, with 15 percent reduction possible through good behavior credits. Despite the lack of discretionary parole-release decision, offenders sentenced to prison are supervised upon release for a period of 15 percent of the sentence imposed.

Please call Donna Lyons at NCSL for more information.

p:\fax\truth90s

TRUTH IN SENTENCING

By Donna Lyons

Reforms require certain violent offenders to serve 85 percent of the prison sentence imposed.

Crime control and public safety have prompted many new laws providing for "truth in sentencing." Generally, "truth" measures address the criminal sentence imposed by the court and the actual time an offender serves in prison. Recent reforms have required that certain serious or violent offenders serve at least 85 percent of the sentence given. Federal crime legislation has provided a grant incentive to states to review and implement policies to incarcerate violent offenders, including the 85-percent-of-sentence requirement.

Arizona, California, Missouri and Virginia were among states adopting "truth in sentencing" laws in the early 1990s. Arizona did so in 1993 as a complete revamp of its criminal code. The law established the requirement that all inmates serve 85 percent of their sentences, followed by supervision in the community for the 15 percent remaining. California legislation in 1994 also limited work credits that violent offenders can earn so that they serve at least 85 percent of the prison sentence. In special session in 1994, Virginia lawmakers abolished parole and good conduct allowances for any offender convicted of a felony. Courts may add a period of post-release supervision to the prison sentence.

Throughout the 1990s, other states passed similar measures. Notably, broad sentencing reform in Ohio reclassified all felony offenses, and addressed truth in sentencing by eliminating discretionary parole release. Oklahoma enacted a major truth in sentencing act that requires violent offenders to serve 85 percent of the sentence, while other less serious offenders serve less or are handled in community corrections programs. In recent years, Florida repealed sentencing guidelines in favor of minimum sentences, no parole for persistent offenders, and an 85 percent policy for others. In 1998, Kentucky, New York and Wisconsin passed laws to abolish parole. Wisconsin's law applies to all felony offenders; New York eliminated parole for all violent, even first-time, offenders; and Kentucky's no-parole policy applies to persistent violent offenders.

Guidelines may also provide long, no-parole sentences for serious offenders.

Other types of sentencing reforms in states also have provided for long sentences without benefit of parole release for the most serious offenders. Minnesota was one of the pioneering states in establishing sentencing guidelines. Kansas,

Truth in Sentencing Laws 1993-1998 For all or broad categories of serious offenders

	85 Percent Requirement	No Parole	Other
Arizona	✓	✓	
Alaska			✓
California	✓		
Connecticut	✓		
Delaware			✓
Florida	✓	✓	✓
Illinois	✓	✓	
Iowa	✓	✓	
Kansas			✓
Kentucky	✓	✓	
Louisiana	✓		
Maine		✓	
Mississippi	✓		
Missouri	✓		
Montana			✓
New Jersey	✓		
New York	✓	✓	
North Dakota	✓		✓
Ohio		✓	✓
Oklahoma	✓		
Oregon			
South Carolina		✓	✓
South Dakota		✓	
Tennessee	✓	✓	
Wisconsin		✓	

Source: NCSL

Michigan and North Carolina are among states with more recent experience in structured sentencing. Often, guidelines have come about as a result of the work of sentencing commissions. Those commissions also develop and monitor truth in sentencing policies.

Congress addressed truth in sentencing as part of the Violent Crime Control and Law Enforcement Act of 1994. Funding at \$8 billion through the year 2000 was authorized for the Violent Offender Incarceration and Truth in Sentencing Incentive Grant (VOITIS) program. States receive money for construction or improvement of correctional facilities upon demonstration that truth in sentencing and related incarceration policies exist for violent offenders. Regulations were designed to accommodate various sentencing structures, including guidelines, as well as new laws that specify 85 percent of sentence policy. The Bureau of Justice Statistics reports that 27 states and the District of Columbia qualified in 1998 for VOITIS truth in sentencing funds.

A federal grant ties funds for prison construction to policies on sentencing violent offenders.

Research sponsored by the federal National Institute of Justice (NIJ) is under way to help states evaluate the effect of truth in sentencing on crime and the criminal justice system. The Rand Corporation in Santa Monica, Calif., is carrying out a multiyear, broad evaluation of "truth" laws. Rand's study is analyzing the impact on prosecutorial and judicial actions, correctional populations and costs, and crime rates. Another NIJ-funded study by the Urban Institute is analyzing effects on lengths of prison stay, as well as if and how criminal justice and corrections systems are adapting to "truth" policies. A report this year from the Bureau of Justice Statistics ties adoption of truth in sentencing laws to increases in time actually served behind bars and to growing state prison populations. Nationally, seven in 10 violent offenders are in a state that requires that 85 percent of the sentence be served, according to the report.

Today, seven of 10 violent offenders are in a state that requires 85 percent of the sentence to be served.

Proponents of 85 percent "truth" laws assert that credibility of the criminal justice system requires a closer relationship between the sentence imposed and time served. Indeed, there has been strong public and political support for longer, more determinate sentences for serious, dangerous offenders. Other observers suggest that laws that broadly provide for longer time in prisons will further increase state corrections populations and costs without a proportionate impact on public safety. NCSL has reported that state corrections appropriations are about 6 percent of state general funds in 1999.

Selected References

Bureau of Justice Statistics, Office of Justice Programs. "Truth in Sentencing in State Prisons." Washington, D.C., January 1999, NCJ #170032. Fax on demand (301) 519-5550, or call BJS clearinghouse at (800) 732-3277, or find at www.ojp.usdoj.gov/bjs/

Contacts for More Information

Donna Lyons
NCSL—Denver
(303) 830-2200 ext. 248
donna.lyons@ncsl.org

National Institute of Justice, Office of Justice Programs, Justice Information Center
(800) 851-3420
<http://www.ncjrs.org>

Corrections Program Office, Office of Justice Programs
(800) 848-6325
askcpo@ojp.usdoj.gov

- > COMPANY INFO
- > AD INFO
- > PRESS INFO



TO INFORM

AND SERVE

protecting yourself and your community

- > HOME PAGE
- > 911 NEWS
- > SAFE STREETS
- > SERIAL KILLER BUREAU
- > MISSING & WANTED
- > THE G-FILES
- > UNSOLVED
- > BEHIND THE BADGE
- > MEDIA PATROL

Search

Sign up for APB's e-mail newsletter for updates and breaking news.

Choose a City...

LOCKED UP

the graying of America's Prisons

an emerging corrections crisis



SHOULD ELDERLY CONVICTS BE KEPT IN PRISON?

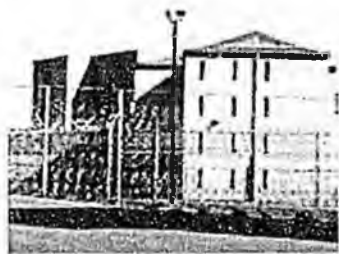
Some Say it's Not Worth the Cost; Others Call it Due Justice

April 12, 1999

By Jim Krane

BRIDGETON, N.J. (APBNews.com) -- On the outskirts of this time-forgotten coastal town, South Woods State Prison rises above the salt marshes in a symphony of concrete, bulletproof glass and pyramids of razor wire coils.

This \$240 million prison, which costs \$200,000 per day to operate, holds some of the state's most infirm inmates. Among them is 80-year-old jewel thief John Seybold. He may not be dangerous anymore, nor much of an escape risk, but Seybold readily acknowledges that he's still a drain on society.



Juliann Villalobos

New Jersey's South Woods State Prison

"If I was 40 years old and still out stealing diamonds, that's a different story," said Seybold, whose face and hands are spotted with age. "But I can barely walk. It's not sensible to consider us a risk to the social structure anymore. We're beyond that point."

If Seybold were an average prisoner, his 12 years in prison would have cost taxpayers about \$240,000. But he's an old man who needs expensive medical care -- and gets it from his jailers.

Pulling open his tan prison smock, he shows off the white scar above his left breast where taxpayer-paid surgeons inserted a pacemaker to correct a heart problem. In the outside world, the cost of a pacemaker

[DEATH AND MOURNING INSIDE THE WALLS](#)

[OLD PRISONERS SPEAK OUT](#)

[WHY OLD SEX OFFENDERS ARE STILL DANGEROUS](#)

[FULL HEALTH COVERAGE FOR HARD CRIMINALS](#)

[OLDEST OF THE OLD PRISONERS](#)

[DEMOGRAPHIC REVOLUTION ROCKS U.S. PRISONS](#)

[SHOULD ELDERLY CONVICTS BE KEPT IN PRISON?](#)

Data Center

Find Oldest Prisoners:

Sort by...

Find Longest-Serving Prisoners:

Sort by...

Find Prisoners in Your State:

Choose a State...

Video Interviews

In a frank discussion, three old-timers reveal their thoughts on dying in prison.

Choose your bandwidth:

correct a heart problem. In the outside world, the cost of a pacemaker operation ranges from \$15,000 to \$50,000.

When the jewel thief was serving time in federal prison, doctors gave him a titanium replacement knee in an operation that he said cost \$22,000. In separate operations, doctors also repaired his prostate and aorta.

"It's a real imposition on the taxpayer," he said.



Juliann Villalobos

John Seybold, 80, has received numerous operations in prison

Prisons as old-age homes

Seybold's case is far from unique. As prison systems grow, some are metamorphosing into old-age homes providing sophisticated elder care and medical services. Prison nurses now routinely attend to patients in their 80s and 90s, operating dialysis machines, emptying bedpans and helping inmates brush their teeth and get undressed. Some corrections authorities have been forced to build custom facilities for prisoners who've gone blind, deaf or mute.

In Louisiana, Warden Burl Cain keeps watch over 5,100 inmates at Angola prison, 88 percent of whom will never leave. Cain said the practice is a waste of space, lives and tax dollars.

"We've long said prison should be for predators and not old men," Cain said.

If Cain had his way, as many as 200 of his inmates would be released immediately.

"They're getting older and older because nobody gets out," he said. "They just stay here until they die."

Growing old in the joint

Kentucky's oldest prisoner, 87-year-old Creed Warren, waxes lyrical about ending his days inside the joint.

"I know that I've got to leave this world one way or the other," said Warren, a convicted sex offender and former moonshiner housed in the Kentucky State Reformatory.

"I've got to leave it and go to Jesus when he calls me out on the cloud," he said. "If I die here, I'll just die. It won't bother me a bit, not a bit in the world."

In West Virginia, aging murderer James Lee Burkhammer is more realistic.

"I don't think I could make it out there by myself," Burkhammer said by telephone from the Huttonsville Correctional Center.

"I'm 65," said Burkhammer. "It'd be hard to get a job out there. I've got



Sex offender Creed Warren, 87, is Kentucky's oldest prisoner

28.8 56K T1

MORE INTERVIEWS

Talk About It

SHOULD WE SET THEM ALL FREE?

Other Resources

SLIDE SHOW

LETTER FROM INSIDE

EMAIL THIS STORY TO A FRIEND

Protecting Home and Family

Thieves Out to Steal Your Identity

Protect Your Home: Think Like a Criminal

Telephone Fraud Skyrockets

Sex Offender Watch

Police Scrap Sex Offender Map Plan

School District Balks at Sex Offender Maps

Critics Blast N.M. Sex Offender Registry

In Focus

Abused Kids More Likely to Commit Crime, Study Says

Kids Likely to Follow Parents to Prison

More Agree Jails Aren't The Answer To Crime

Iowa Animal Cruelty Bill Faces Opposition

Cities Lauded for Crime-Fighting Efforts

Campus Crime Fighters Honored

Crime Tech

Criminal Concerns at Internet World

Inventor Arms Cars With Flamethrowers

high blood pressure and arthritis. I couldn't do much. I wouldn't want to be a burden upon anybody."

Cost rises, danger retreats



James Lee Burkhammer, 64, has spent 41 years in prison

As an inmate's age rises, so does the cost of keeping him in prison. The U.S. Justice Department reports the average prisoner costs about \$20,000 a year to house. But the price of housing an elderly inmate can rise many times that much. A 1996 report of the National Criminal Justice Commission (NCJC) reported it cost \$69,000 per year to house geriatric prisoners.

But as the cost of imprisonment rises, the danger to society retreats.

According to the U.S. Parole Commission, age is the single most reliable indicator in predicting recidivism. Within a year of release, inmates between the ages of 18 and 24 have a recidivism rate of 22 percent. For inmates over the age of 43 -- which the parole commission's Tom Kowalski called "the magic burnout date" -- the rate drops to 2 percent.

Special parole for the elderly?

In the face of such statistics, many corrections analysts believe penning the elderly in expensive prison cells may serve as punishment for a crime, but doesn't give society much payback in public safety. Many are calling for parole of the elderly.

"It doesn't make sense in terms of crime control. If someone committed armed robbery at 30, he's not terribly likely to commit armed robbery at 60 if you let him out of prison," said Marc Mauer, assistant director of the Sentencing Project, a group advocating alternative sentences.

Some go further. At George Washington University's Project for Older Prisoners, coordinator Ann Burdick has successfully lobbied for the release of more than 200 infirm, well-behaved older prisoners who've admitted guilt for their crimes.

"We think they're more of a burden on society by being incarcerated than a threat to society if they're outside," said Burdick.

Not one prisoner represented by Burdick's group has returned to commit a crime, she said.

"And we want to keep it that way," she said.

'Prison is punishment'

There is another side to the debate, of course. Many tough sentencing advocates believe convicted felons belong in prison because they require punishment, regardless of their health or age.

For Louisiana Gov. Mike Foster, who has yet to grant pardons to any of the state's life-without-parole inmates, a lifetime behind bars is a proper penalty for a heinous crime.

[Tracking The Melissa Virus](#)

[Bug Boom in the Boardroom](#)

[Online Casinos Ripe for Rip-offs](#)

[Computer Crime Tops \\$100 Million](#)

[Genetic Crime: Body Parts, Cloned Children For Sale](#)

[Prisoners' Weapons No Match for the 'BOSS Chair'](#)

Fighting Back

[Louisiana Launches Domestic Violence Registry](#)

[What Happens When Someone Steals Your Pet?](#)

[Gun Owners Fight Target-Practice Law](#)

[Missouri Keeps Concealed Gun Ban](#)

[One Cop's War on Skateboard Damage](#)

[Georgia Closes Pedophile Loophole](#)

[Victims Get to Confront Young Crooks](#)

[Fed-up Pizza Man Posts Tasty Reward](#)

[Louisiana Eyes Mandatory Jail For DWI](#)

[Jury Punishes Bar for Man's Death](#)

[Study Says Assault Weapons Ban Works](#)

Archive And Related Reading

[Safe Streets Archive](#)

[Stalked!](#)

"Gov. Foster falls into the 'just desserts' category," said Cheney Joseph, Foster's legal counsel. "He does believe that prison is punishment. You have to impose a penalty that's just and punishes someone for what they've done."

Prison-building boom

Many states have addressed the long-term implications of such tough sentencing policies with an unprecedented prison-building boom. Texas, for example, has added almost 100,000 beds, tripling its capacity.

"We called it the greatest construction project since the pyramids," said Glen Castlebury of the Texas Department of Criminal Justice (TDCJ). He said the average prisoner's age is creeping up by six months a year. Currently it's 33. In a decade, the average jailed Texan will be 38.

In 30 years, Castlebury conceded, some Texas prisons will resemble nursing homes.

California is headed down the same road. There, the Department of Corrections is involved in the largest building program in the country -- worth \$5.3 billion -- to keep up with an inmate population that more than doubled in 10 years, reaching almost 160,000 last year.

In Ohio, a corrections report estimated that its 1997 population of 3,000 older inmates would grow 50 percent over the next two decades. Now, growth is ahead of that pace. The report called for construction of a second prison for the elderly and new elder "pods" at existing institutions.

Death as the only way out

Meanwhile, thousands of inmates across the country already must face the fact that they'll grow old and die in prison.

With the average inmate's age now in the mid-30s, many prisoners locked up in the late '80s and early '90s won't emerge until they're 60 or 70 years old.

"Under the new laws, there's no compassionate grounds for release, even for the very ill," said Herbert Rosefield, assistant director for health services in North Carolina's Division of Prisons.

"I'm still hopeful, but the way it looks now, I can't see no out," said Virgil Lee Evans, an 85-year-old murderer serving his 27th year of a life sentence in Michigan. Evans' next parole hearing won't come until 2003, when he's 89. "That's telling me that they want me to die in prison," he said.

Jim Krane is an APBNews.com staff writer (jimk@apbnews.com).



©Copyright 1999 APB Multimedia Inc. All rights reserved.



SENATE BILL 11

GOOD TIME CREDITS FOR PRISONERS SERVING TIME FOR CERTAIN MURDERS

- Under AS 33.20.010, with some exceptions, prisoners serving more than three days are entitled to a reduction of one-third off their sentence. This time can be forfeited for disciplinary infractions while incarcerated.
- Senate Bill 11 will cut the current one-third reduction in half for those who are serving a sentence for murder in the 1st or 2nd degree. This change in statute will result in longer sentences.

Example: A person convicted of 2nd degree murder and sentenced to 60 years:

	Crime	Sentence	Good Time	Time Served	Admit Age	Release Age
Current Law	Murder 2 nd	60 years	20 years	40 Years	20	60
SB 11	Murder 2 nd	60 years	10 years	50 Years	20	70

- While the Dept. of Corrections submitted a zero fiscal note, there should be no mistake that there will be a fiscal impact in future years. It is estimated the impact will begin in FY 08 and continue every year after.
- Although predicting the impact is not exact, projecting the current number of those sentenced for murder in the 1st and 2nd degrees in 1998 (excluding lifers and those who would not outlive their sentence), the impact in FY 08 is approximately \$35.0 and by FY 18 it will reach \$533.0. This is only the cost of incarceration.
- Other costs will be incurred that are extremely difficult to predict, such as the cost of incarcerating geriatric inmates. Fifty years old is considered geriatric in the corrections field due to the generally poor health of inmates from years of self destructive abuse and poor living conditions. Health care costs are already outrageous for prisoners. Why push them UP!
- It will be said that Alaska has a "liberal" good time policy because our inmates will only serve 67% of their sentence. In fact Alaska's sentences for murder in the 1st and 2nd are much longer than most other states. Inmates in other states with an 85% truth in sentencing policy serve less time for murder in the 1st and 2nd degree.

*States with 85% Truth in Sentencing (Sentences in Months for murder 1 and 2 combined):

Georgia	144 months
Louisiana	104 Months
Missouri	247 months
Minnesota	144 months
New Jersey	432 months
New York	317 months
Tennessee	173 months
Virginia	91 months
Washington	243 months

Alaska **467 months (good time already subtracted)**

* Inmates with sentences in excess of 100 years are excluded for all states including Alaska. Information provided by U.S. Dept. of Justice.

Murder 1: SB 11 Release Age

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
MURDER - 1ST					
	41	2057	99	99	115
	45	2053	99	99	115
	43	2053	99	97	113
	20	2076	99	97	113
	81	2015	40	97	104
	49	2047	99	97	113
	37	2059	99	97	113
	40	2055	99	96	112
	41	2053	99	95	111
	45	2049	99	95	111
	50	2043	81	94	107
	33	2060	99	94	110
	24	2067	99	92	108
	39	2052	99	92	108
	30	2061	99	92	108
	26	2065	99	92	108
	52	2039	62	92	102
	33	2058	99	92	108
	38	2052	99	91	107
	35	2055	99	91	107
	39	2051	85	91	105
	29	2060	99	90	106
	36	2053	99	90	106
	36	2053	99	90	106
	35	2054	99	90	106
	36	2052	99	89	105
	40	2048	99	89	105
	24	2064	100	89	105
	37	2050	99	88	104

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	33	2053	100	87	104
	34	2052	99	87	103
	33	2053	99	87	103
	22	2063	99	86	102
	55	2030	63	86	96
	34	2051	99	86	102
	27	2058	99	86	102
	23	2062	99	86	102
	36	2049	99	86	102
	58	2026	49	85	93
	45	2038	75	84	96
	32	2051	99	84	100
	26	2057	99	84	100
	26	2057	99	84	100
	25	2057	99	83	99
	47	2035	65	83	94
	21	2060	99	82	98
	27	2054	99	82	98
	32	2049	99	82	98
	19	2062	99	82	98
	70	2010	40	81	88
	48	2032	60	81	91
	51	2029	55	81	90
	50	2028	75	79	91
	30	2048	85	79	93
	42	2036	70	79	91
	35	2042	85	78	92
	36	2041	69	78	89
	37	2039	66	77	88
	36	2040	75	77	89
	36	2040	69	77	88
	25	2049	89	75	90
	51	2018	50	70	78

Offense	Age	Rei Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	30	2039	75	70	82
	39	2029	60	69	79
	23	2044	75	68	80
	30	2037	65	68	79
	36	2031	75	68	80
	38	2029	50	68	76
	60	2007	30	68	73
	24	2041	70	66	78
	46	2018	50	65	73
	40	2024	60	65	75
	56	2008	30	65	70
	35	2028	65	64	75
	40	2022	60	63	73
	29	2033	65	63	74
	42	2020	50	63	71
	29	2033	70	63	75
	37	2024	60	62	72
	52	2009	35	62	68
	49	2012	40	62	69
	47	2013	40	61	68
	32	2028	65	61	72
	44	2015	40	60	67
	21	2038	65	60	71
	40	2019	50	60	68
	24	2035	65	60	71
	38	2020	50	59	67
	32	2026	60	59	69
	23	2035	60	59	69
	33	2025	45	59	66
	50	2007	30	58	63
	30	2027	50	58	66
	52	2005	25	58	62
	39	2016	45	56	63

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	39	2016	37	56	62
	33	2021	40	55	62
	51	2001	25	53	57
	21	2031	55	53	62
	29	2022	47	52	60
	23	2027	50	51	59
	30	2020	55	51	60
	22	2028	50	51	59
	38	2011	40	50	57
	27	2022	45	50	57
	35	2013	45	49	56
	46	2002	25	49	53
	36	2012	40	49	56
	42	2005	30	48	53
	22	2025	45	48	55
	35	2011	40	47	54
	44	2001	30	46	51
	25	2019	42	45	52
	34	2010	37	45	51
	35	2009	40	45	52
	23	2016	34	40	46
	37	2002	30	40	45
	26	2013	27	40	44
	31	2007	35	39	45
	35	2003	25	39	43
	33	2005	30	39	44
	32	2005	24	38	42
	37	2000	20	38	41
	30	2005	30	36	41
	31	2004	30	36	41
	25	2009	27	35	39

Murder 2: SB 11 Release Age

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
MURDER - 2ND					
	44	2052	104	97	114
	38	2051	99	90	106
	26	2062	99	89	105
	60	2026	45	87	94
	39	2047	99	87	103
	28	2055	99	84	100
	58	2025	45	84	91
	42	2041	75	84	96
	50	2030	71	81	93
	55	2024	60	80	90
	57	2020	40	78	85
	39	2037	68	77	88
	65	2010	30	76	81
	39	2035	75	75	87
	64	2008	26	73	77
	42	2030	50	73	81
	42	2029	60	72	82
	43	2028	50	72	80
	43	2028	55	72	81
	36	2035	76	72	85
	43	2026	50	70	78
	28	2041	70	70	82
	42	2025	45	68	75
	33	2034	60	68	78
	63	2004	25	68	72
	56	2010	40	67	74
	35	2030	60	66	76
	42	2023	50	66	74
	43	2022	50	66	74

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	27	2037	50	65	73
	48	2016	45	65	72
	32	2031	60	64	74
	59	2004	30	64	69
	43	2019	50	63	71
	50	2012	35	63	69
	54	2008	40	63	70
	28	2032	55	61	70
	26	2034	65	61	72
	22	2037	65	60	71
	36	2023	45	60	67
	38	2020	50	59	67
	39	2019	40	59	66
	45	2012	25	58	62
	32	2025	50	58	66
	40	2015	45	56	63
	46	2009	28	56	61
	44	2011	40	56	63
	47	2008	40	56	63
	38	2016	30	55	60
	36	2017	50	54	62
	43	2009	40	53	60
	34	2018	30	53	58
	44	2006	20	51	54
	32	2018	40	51	58
	27	2023	40	51	58
	33	2017	45	51	58
	41	2008	30	50	55
	42	2007	30	50	55
	34	2013	35	48	54
	38	2009	20	48	51
	24	2022	40	47	54
	32	2013	45	46	53

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	23	2022	40	46	53
	35	2010	25	46	50
	46	1999	10	46	48
	34	2011	35	46	52
	38	2006	35	45	51
	40	2004	30	45	50
	36	2008	25	45	49
	29	2014	34	44	50
	40	2003	30	44	49
	39	2004	30	44	49
	31	2012	40	44	51
	34	2009	20	44	47
	40	2002	25	43	47
	33	2008	30	42	47
	34	2007	30	42	47
	33	2008	20	42	45
	18	2023	40	42	49
	27	2014	25	42	46
	27	2014	36	42	48
	34	2006	30	41	46
	41	1999	25	41	45
	38	2002	20	41	44
	33	2007	30	41	46
	35	2004	25	40	44
	26	2013	32	40	45
	30	2009	25	40	44
	28	2011	30	40	45
	21	2018	35	40	46
	28	2010	30	39	44
	39	1999	25	39	43
	28	2010	30	39	44
	25	2012	25	38	42
	36	2001	15	38	40

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	29	2007	30	37	42
	27	2009	23	37	41
	34	2002	14	37	39
	30	2006	19	37	40
	22	2013	30	36	41
	26	2009	20	36	39
	21	2013	25	35	39
	30	2004	20	35	38
	23	2010	25	34	38
	29	2003	20	33	36
	20	2012	25	33	37
	21	2005	15	27	29
	18	2007	15	26	28
	20	2005	16	26	29

Murder 1: SB 11 Release Age

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
MURDER - 1ST					
	41	2057	99	99	115
	45	2053	99	99	115
	43	2053	99	97	113
	20	2076	99	97	113
	81	2015	40	97	104
	49	2047	99	97	113
	37	2059	99	97	113
	40	2055	99	96	112
	41	2053	99	95	111
	45	2049	99	95	111
	50	2043	81	94	107
	33	2060	99	94	110
	24	2067	99	92	108
	39	2052	99	92	108
	30	2061	99	92	108
	26	2065	99	92	108
	52	2039	62	92	102
	33	2058	99	92	108
	38	2052	99	91	107
	35	2055	99	91	107
	39	2051	85	91	105
	29	2060	99	90	106
	36	2053	99	90	106
	36	2053	99	90	106
	35	2054	99	90	106
	36	2052	99	89	105
	40	2048	99	89	105
	24	2064	100	89	105
	37	2050	99	88	104

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	33	2053	100	87	104
	34	2052	99	87	103
	33	2053	99	87	103
	22	2065	99	86	102
	55	2030	63	86	96
	34	2051	99	86	102
	27	2058	99	86	102
	23	2062	99	86	102
	36	2049	99	86	102
	58	2026	49	85	93
	45	2038	75	84	96
	32	2051	99	84	100
	26	2057	99	84	100
	26	2057	99	84	100
	25	2057	99	83	99
	47	2035	65	83	94
	21	2060	99	82	98
	27	2054	99	82	98
	32	2049	99	82	98
	19	2062	99	82	98
	70	2010	40	81	88
	48	2032	60	81	91
	51	2029	55	81	90
	50	2028	75	79	91
	30	2048	85	79	93
	42	2036	70	79	91
	35	2042	85	78	92
	36	2041	69	78	89
	37	2039	66	77	88
	36	2040	75	77	89
	36	2040	69	77	88
	25	2049	89	75	90
	51	2018	50	70	78

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	30	2039	75	70	82
	39	2029	60	69	79
	23	2044	75	68	80
	30	2037	65	68	79
	36	2031	75	68	80
	38	2029	50	68	76
	60	2007	30	68	73
	24	2041	70	66	78
	46	2018	50	65	73
	40	2024	60	65	75
	56	2008	30	65	70
	35	2028	65	64	75
	40	2022	60	63	73
	29	2033	65	63	74
	42	2020	50	63	71
	29	2033	70	63	75
	37	2024	60	62	72
	52	2009	35	62	68
	49	2012	40	62	69
	47	2013	40	61	68
	32	2028	65	61	72
	44	2015	40	60	67
	21	2038	65	60	71
	40	2019	50	60	68
	24	2035	65	60	71
	38	2020	50	59	67
	32	2026	60	59	69
	23	2035	60	59	69
	33	2025	45	59	66
	50	2007	30	58	63
	30	2027	50	58	66
	52	2005	25	58	62
	39	2016	45	56	63

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	39	2016	37	56	62
	33	2021	40	55	62
	51	2001	25	53	57
	21	2031	55	53	62
	29	2022	47	52	60
	23	2027	50	51	59
	30	2020	55	51	60
	22	2028	50	51	59
	38	2011	40	50	57
	27	2022	45	50	57
	35	2013	45	49	56
	46	2002	25	49	53
	36	2012	40	49	56
	42	2005	30	48	53
	22	2025	45	48	55
	35	2011	40	47	54
	44	2001	30	46	51
	25	2019	42	45	52
	34	2010	37	45	51
	35	2009	40	45	52
	23	2016	34	40	46
	37	2002	30	40	45
	26	2013	27	40	44
	31	2007	35	39	45
	35	2003	25	39	43
	33	2005	30	39	44
	32	2005	24	38	42
	37	2000	20	38	41
	30	2005	30	36	41
	31	2004	30	36	41
	25	2009	27	35	39

Murder 2: SB 11 Release Age

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
MURDER - 2ND					
	44	2052	104	97	114
	38	2051	99	90	106
	26	2062	99	89	105
	60	2026	45	87	94
	39	2047	99	87	103
	28	2055	99	84	100
	58	2025	45	84	91
	42	2041	75	84	96
	50	2030	71	81	93
	55	2024	60	80	90
	57	2020	40	78	85
	39	2037	68	77	88
	65	2010	30	76	81
	39	2035	75	75	87
	64	2008	26	73	77
	42	2030	50	73	81
	42	2029	60	72	82
	43	2028	50	72	80
	43	2028	55	72	81
	36	2035	76	72	85
	43	2026	50	70	78
	28	2041	70	70	82
	42	2025	45	68	75
	33	2034	60	68	78
	63	2004	25	68	72
	56	2010	40	67	74
	35	2030	60	66	76
	42	2023	50	66	74
	43	2022	50	66	74

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	27	2037	50	65	73
	48	2016	45	65	72
	32	2031	60	64	74
	59	2004	30	64	69
	43	2019	50	63	71
	50	2012	35	63	69
	54	2008	40	63	70
	28	2032	55	61	70
	26	2034	65	61	72
	22	2037	65	60	71
	36	2023	45	60	67
	38	2020	50	59	67
	39	2019	40	59	66
	45	2012	25	58	62
	32	2025	50	58	66
	40	2015	45	56	63
	46	2009	28	56	61
	44	2011	40	56	63
	47	2008	40	56	63
	38	2016	30	55	60
	36	2017	50	54	62
	43	2009	40	53	60
	34	2018	30	53	58
	44	2006	20	51	54
	32	2018	40	51	58
	27	2023	40	51	58
	33	2017	45	51	58
	41	2008	30	50	55
	42	2007	30	50	55
	34	2013	35	48	54
	38	2009	20	48	51
	24	2022	40	47	54
	32	2013	45	46	53

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	23	2022	40	46	53
	35	2010	25	46	50
	46	1999	10	46	48
	34	2011	35	46	52
	38	2006	35	45	51
	40	2004	30	45	50
	36	2008	25	45	49
	29	2014	34	44	50
	40	2003	30	44	49
	39	2004	30	44	49
	31	2012	40	44	51
	34	2009	20	44	47
	40	2002	25	43	47
	33	2008	30	42	47
	34	2007	30	42	47
	33	2008	20	42	45
	18	2023	40	42	49
	27	2014	25	42	46
	27	2014	36	42	48
	34	2006	30	41	46
	41	1999	25	41	45
	38	2002	20	41	44
	33	2007	30	41	46
	35	2004	25	40	44
	26	2013	32	40	45
	30	2009	25	40	44
	28	2011	30	40	45
	21	2018	35	40	46
	28	2010	30	39	44
	39	1999	25	39	43
	28	2010	30	39	44
	25	2012	25	38	42
	36	2001	15	38	40

Offense	Age	Rel Date (gt)	Sentence	Rel Age (gt)	SB 11 Rel Age
	29	2007	30	37	42
	27	2009	23	37	41
	34	2002	14	37	39
	30	2006	19	37	40
	22	2013	30	36	41
	26	2009	20	36	39
	21	2013	25	35	39
	30	2004	20	35	38
	23	2010	25	34	38
	29	2003	20	33	36
	20	2012	25	33	37
	21	2005	15	27	29
	18	2007	15	26	28
	20	2005	16	26	29