

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

10069 SENATE JUDICIARY



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original documents after microfilm reproductions have been made.

A handwritten signature in cursive script, appearing to read "R. D. [unclear]", written over a horizontal line.

Signature of Camera Operator

12/5/2001
Date

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CONFIRM.

19999

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Rick Halford Vice - Chair
Sen. Dave Donley
Sen. John Torgerson
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

March 10, 1999

The Honorable Drue Pearce
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

Dear President Pearce:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Commission on Judicial Conduct
Dianne I. Brown, Anchorage

There were stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further session.

Handwritten signature of Senator Robin Taylor in cursive.

Senator Robin Taylor, Chair

Senator Rick Halford, Vice Chair

Handwritten signature of Senator Dave Donley in cursive.

Senator Dave Donley

Handwritten signature of Senator John Torgerson in cursive.

Senator John Torgerson

Handwritten signature of Senator Johnny Ellis in cursive.

Senator Johnny Ellis

RLT/smm

DIANNE INGLIMA BROWN
c/o Alaska Commission on Judicial Conduct
310 "K" Street, Suite 301
Anchorage, Alaska 99501

EDUCATION

Undergraduate:

University of Alaska, Fairbanks; Fairbanks, Alaska (1965-1967)

Professional: (Training)

Dept. of Public Safety Academy, Sitka, Alaska (1978, 1992)
D.E.A. Drug School, Stockton, California (1981)
Uniformed Investigator School, Juneau, Alaska (1984)
Interview/Sexual Assault School, Ketchikan, Alaska (1985)
Supervision and Mid-Management Schools, Juneau, Alaska (1985, 1986, 1987);
Seward, Alaska (1990); Anchorage, Alaska (1992, 1997)
Progressive Accident Investigation School, Palmer, Alaska (1989)
Field Training Officer Program, Sitka, Alaska (1990)
Advanced Criminal Investigation Training, Anchorage, Alaska (1992)
Reid Technique of Interviewing and Interrogation, Anchorage, Alaska (1992, 1993)
New York State Police Homicide Seminar, Albany, New York (1992)
Methods of Instruction, Sitka, Alaska (1993)
Dale Carnegie Course, Anchorage, Alaska (1993)
Investigation and Prosecution of Sexual Assault Crimes, Anchorage, Alaska (1993)
Southern Police Institute, 92nd Administrative Officers Course, Louisville, Ky. (1994)
Police Leadership for the 21st Century, Anaheim, California (1997)

EMPLOYMENT HISTORY

July 1998

Retired from the Alaska State Troopers.

Sept. 1995-July 1998

First Sergeant, Alaska State Troopers.
Commander of the Statewide Criminal Investigations Unit. Duties included supervision and management of the Major Crimes Section, the White Collar Crime Section, the Environmental Crimes Section and Special Investigations for the State of Alaska. Prior to 1998, additional duties included coordination of the Recruitment Section.

EMPLOYMENT HISTORY (continued)

1994-1995

First Sergeant, Alaska State Troopers.

In February 1994, became first female first sergeant in history of Alaska State Troopers. Staff assignment to the Director's Office as an administrative supervisor. Duties included management of the Commercial Vehicle Enforcement Program, Rural Trooper Housing, Vehicle Procurement Coordinator and Statewide Training Coordinator.

1990-1994

Sergeant, Alaska State Troopers.

In July 1990, became first female sergeant in history of Alaska State Troopers. Originally assigned to patrol division as Patrol Supervisor. Twice selected to supervise the field-training program for new state trooper recruits. In November 1991, reassigned to the Statewide Criminal Investigations/Major Crimes Section as supervisor. Duties included the supervision and oversight of homicide, sexual assault/sexual abuse, robberies and other violent crime investigations.

1985-1990

Corporal, Alaska State Troopers.

In October 1985, became first female corporal in history of Alaska State Troopers. Assignment was that of a patrol supervisor. In October 1988, transferred to a bush assignment as post supervisor of the Talkeetna Post. Duties included supervision and control of four-person post responsible for enforcement and patrol of a large rural area extending from Denali National Park to the north, Willow to the south, Skwentna to the west and the Talkeetna Mountains to the east.

1977-1984

Alaska State Trooper, Dept. Public Safety, State of Alaska.

From 1977 through 1981, assignments included judicial services/prisoner transport, patrol and commercial vehicle enforcement. In 1981, transferred to Metro Narcotics Unit as part of Anchorage Police Dept./Alaska State Troopers narcotics enforcement team. In 1982, transferred to Juneau Detachment where initial assignment was patrol officer. Duties later included assignments to investigation unit, primarily responsible for investigations of sexual assault and sexual abuse cases.

PERSONAL

Third-generation Alaskan, born February 4, 1948, and raised in the Seldovia/Homer area of the Kenai Peninsula. Married to Ray Richard Brown.

PROFESSIONAL ORGANIZATIONS

Fraternal Order of the Alaska State Troopers
Alaska Peace Officers Association
Women Police of Alaska
Southern Police Institute Alumni Association – Alaska

Other:

Judicial Conduct Commission – Appointed by Governor Tony Knowles October 1996.
Re-appointed by Governor Knowles December 1998.

REFERENCES

John Murphy, U.S. Marshall, Department of Justice (907) 271-5154
Arthur English, President, Ahtna AGA Training Institute (907) 272-7922
Stephanie Joannides, District Court Judge, Alaska Court System (907) 264-0643

Additional references furnished upon request.

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Rick Halford Vice - Chair
Sen. Dave Donley
Sen. John Torgerson
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

March 10, 1999

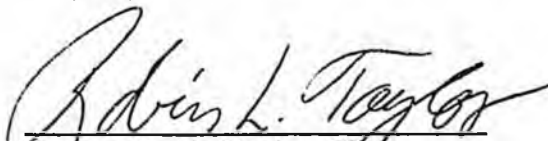
The Honorable Drue Pearce
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

Dear President Pearce:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Board of Governors of the Alaska Bar
Barbara Miklos, Anchorage


There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further session.



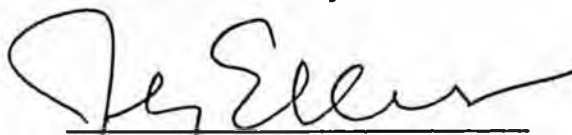
Senator Robin Taylor, Chair

Senator Rick Halford, Vice Chair

Senator Dave Donley



Senator John Torgerson



Senator Johnny Ellis
RLT/smm

BARBARA J. MIKLOS
3208 Greenland Drive
Anchorage, Alaska 99517

Administrator with a broad spectrum of State government experience encompassing budget preparation and oversight, program planning and development, grant writing and management, community organization, employee supervision, program evaluation, policy and procedures formation, legislation development and advocacy, research, public speaking and public relations.

EDUCATION

M.S. Health Administration, University of Colorado, May 1982.

B.S 'n Education, Northeast Missouri State University, May 1966.

PROFESSIONAL EXPERIENCE

9/97 – present	Alaska Department of Revenue
DIRECTOR, CHILD	550 W. 7 th , Suite 310
SUPPORT ENFORCEMENT	Anchorage, Alaska 99501-6699

Supervise and manage the Child Support Enforcement Division. Work closely with the Legislature to fund the agency and pass legislation required by the federal government. Coordinate services with Department of Law, Alaska Court System, U.S. Government and other state and private agencies. Supervise and direct personnel functions for more than 200 staff. Implement systems changes to reduce workload, save time and improve public relations.

6/93 – 9/97	Alaska Department of Corrections
HEALTH CARE	4500 Diplomacy Drive
ADMINISTRATOR	Anchorage, Alaska 99508

Supervised mental health, medical and dental services provided to inmates in the custody of the Alaska Department of Corrections. Managed the Inmate Health Care budget. Implemented systems for cost control and cost savings. Supervised and directed personnel functions for more than one hundred staff. Developed and revised policies and procedures, including policies and procedures to assure that quality services are provided. Negotiated and managed contracts for physicians, nurses, dentists, and other health practitioners. Directed planning for health services provided to inmates. Coordinated services with other correctional personnel and representatives of the Department of Law and other state agencies, federal agencies and health care industry.

9/91 – 6/93
DIRECTOR, COMMUNITY
HEALTH SERVICES

Chugachmiut
4201 Tudor Center Drive
Anchorage, Alaska 99508

Managed the Community Health Services Division for Chugachmiut, a Native corporation serving the Chugach regions. Coordinated, developed and evaluated services provided by the Community Health Services Division; Injury/Prevention/Disaster Planning; Prevention Services – alcohol/drug prevention/education; Environmental Health; Youth/Children services and the WIC program. Worked with Tribal Councils and community members to assure that services are consistent with community needs. Provided oversight of grants and contracts, supervised staff, and coordinated with Indian Health Services and other agencies.

5/83 – 8/91
EXECUTIVE DIRECTOR

Alaska Council on Domestic Violence
and Sexual Assault
Department of Public Safety
Juneau, Alaska 99811

Managed and coordinated domestic violence and sexual assault services, statewide. Proposed and advocated for legislation. Developed and provided oversight for agency budget, including funding for community programs. Developed processes for and conducted grant and contract reviews. Wrote regulations and supervised their adoption. Supervised the development and maintenance of a data collection system. Supervised staff and provided staff support to the Council, a policy-making board. Wrote numerous documents and made public presentations. Provided technical assistance to communities and agencies in management and provision of services.

5/82 – 5/83
HEALTH SYSTEMS SPECIALIST

Mt. Edgecumbe Hospital
Sitka, Alaska 99835

Coordinated service unit quality assurance activities. Maintained service unit's Operational Management System to assure that Joint Commission on Accreditation of Hospitals (JCAH) standards were addressed and to monitor Medicare/Medicaid expenditures. Provided technical assistance to satellite clinics to enable them to attain JCAH accreditation.

12/76 – 8/80
HEALTH PLANNING
COORDINATOR

Southeast Alaska Health Systems Agency
Ketchikan, Alaska 99901

Supervised, recruited and hired staff. Developed and revised policies and procedures. Prepared and managed the budget. Wrote grants and provided technical assistance to other groups in grant writing and program development. Provided technical assistance in developing certificates of need for hospital projects. Provided training and public presentations. Wrote numerous documents.

3/75 - 12/76
ASSOCIATE COORDINATOR

Alaska State Office of Drug Abuse
Department of Health and Social Services
Juneau, Alaska 99811

Administered the drug abuse grant programs. Evaluated drug programs. Developed and negotiated contracts and grants. Provided technical assistance to grantees and communities in program development and grant writing. Developed and implemented a statewide training system for program staff.

10/74 - 3/75
ASSOCIATE COORDINATOR

Alaska State Office of Alcoholism
Department of Health and Social Services
Juneau, Alaska 99811

Functioned as the Coordinator. Established goals and objectives for state alcoholism programming. Prepared and monitored the budget. Supervised and hired staff. Coordinated and monitored alcoholism grant programs. Wrote grants for funding alcohol services.

9/73 - 9/74
RESEARCH ANALYST

Alaska Division of Public Health
Department of Health and Human Services
Juneau, Alaska 99811

Managed and negotiated state and federal grants and contracts for various health services. Coordinated program planning for maternal and child health programs and prepared the budget. Analyzed data and prepared statistical reports. Implemented a database reporting system.

RELATED ACTIVITIES AND EXPERIENCE

Public member, Alaska Bar Association, (1995 - present.) Treasurer, 1997 and Vice President 1998.

Board of Directors, Standing Together Against Rape, STAR (1993 - 1994)

Board of Directors, Bartlett Memorial Hospital, Juneau (1991)

Social Services Advisory Board, City and Borough of Juneau. (1988 - 1991) Chair of the Mental Health Committee. (1988)

Member of the Governor's Task Force on Youth and Governor's Interim Commission on Children and Youth. (1976 - 1990)

Chair of the Committee on Transitional Housing which was a committee on the Housing Policy Development Council for the State of Alaska. (1988 - 1989)

Chair of the Governor's Child Sexual Abuse Working Group, established in January 1988 to make recommendations on how to improve systems that serve victims of child sexual abuse.



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1162
(907) 485-3701
FAX: 485-2832

February 8, 1999

MEMORANDUM

TO: Senator Taylor, Chair
Judiciary Committee

FROM: Nancy Quinto
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Pearce has referred the following names for legislative confirmation to your committee for a hearing, recommendation and report:

Board of Governors of the Alaska Bar

Joseph N. Faulhaber - Fairbanks ✓
Appointed: 08/10/94 Reappointed: 06/02/98 Expires: 06/30/00

Barbara Miklos - Anchorage ✓
Appointed: 06/30/95 Reappointed: 07/31/98 Expires: 06/30/01

Commission on Judicial Conduct

Dianne I. Brown - Anchorage ✓
Appointed: 09/11/96 Reappointed: 12/11/98 Expires: 12/31/02

Alaska Judicial Council

Sandra Stringer - Fairbanks ✓
Appointed: 08/27/98 Expires: 05/18/03

Violent Crimes Compensation Board

Colleen M. Murphy, M.D. - Anchorage ✓
Appointed: 08/27/98 Expires: 12/15/00

Stephen B. Wallace - Kodiak ✓
Appointed: 08/27/98 Expires: 12/15/99

Leslie D. Wheeler - Wasilla ✓
Appointed: 05/15/96 Reappointed: 12/11/98 Expires: 12/15/01

NQ:hv
Resumes attached



Board of BAR

STATE OF ALASKA

OFFICE OF THE GOVERNOR
P.O. Box 110001, Juneau, AK 99811-0001
Phone: (907) 485-3500 Fax: (907) 483-3454

BOARDS AND COMMISSIONS RESUME

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resume. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying: Board of Governors of the Alaska Bar

Please list any other Board or Commission on which you serve: None

Name: Joseph N. Faulhaber

Previous Name Applied Under: N/A

Mailing Address: 105 Adak Avenue

Residence Address: 989 Senate Loop

City, State and Zip Code: Fairbanks, Alaska 99701

Home Telephone: 907 457-2010

Business or Message Telephone: 907 452-5186

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election:

Are you a registered voter?

YES X

NO

Voter Registration Number (Optional):

Social Security Number (Optional): 319 40 7201

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years?

YES

NO X

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

CONFLICTS OF INTEREST: Certain boards and commissions require full disclosure of personal financial data under AS 39.50.010. If required for the board or commission for which you are applying, are you willing to do so?

YES X

NO

Could you or any member of your family be affected financially by decisions to be made by the board or commission for which you have applied? YES NO X

If "YES", explain:

TRAINING AND EXPERIENCE: (If resumé attached, it is not necessary to complete items A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

Licensed Real Estate Sales Associate July 1973 - July 1976

Licensed Real Estate Broker July 1976 - Present

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

Formal - 1 year Lewis College, Illinois

2 years University of Alaska Fairbanks, Business Administration

Informal - Founded and operated Fairbanks' largest real estate office, booking over 9000 transactions during the past 18 years. Brokered or participated in numerous multi-million dollar transactions. Partner or founder in numerous small businesses. Arbitrator in business disputes. Mediator in numerous business disputes and transactions. Trustee in several irrevocable trusts.

C. List any community service, municipal government, and state positions held, and any awards received. Include both compensated and uncompensated positions (ex: president of a service organization or a mayor). Include length of time served.

Past President of Fairbanks Resource Agency Title Holding Company (6 years)

Finance Committee Chairman, Fairbanks Memorial Hospital Local Advisory Board (3 years)

The Greater Fairbanks Community Hospital Foundation, Inc., Chairman Organizational Structure and Lease Oversight Committee, Member of Finance Committee, Member of Executive Committee, Board Secretary (7 years)

D. Employment work history - paid, unpaid or voluntary: (Use additional paper if necessary)

1968 - 1973 Student, Truck Driver, Prospector, Equipment Operator, Construction Laborer, Commercial Fisherman

1973 - Present Real Estate Broker, Businessman as described above.

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX: Male _____ Female _____

ETHNIC BACKGROUND: White _____ Black _____ Hispanic _____ Alaska Native _____
Asian or Pacific Islander _____ American Indian _____

DATE OF BIRTH: _____ MILITARY SERVICE (if applicable, give dates): _____

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature, in Ink _____ Date July 6, 1994

Resume of
Captain Colleen M. Murphy, MD
PHS # 52982
July 7, 1998

Home Address: 28 11 Iliamna
Anchorage, AK
99517

Work Address: Alaska Native Medical Center
Information Technology Services
4315 Diplomacy Drive
Anchorage, AK
99508

E-mail: Murphy.Colleen_M@ANMC.Alaska.IHS.Gov

Phone: (wk) (907) 729-264
(fax) (907) 729-2655

Education

B.S. 1977, University of Michigan, Ann Arbor
Graduated cum laude
1977-1978, One year study in Aix-en-Provence, France

M.D. 1981, Wayne State University School of Medicine, Detroit, MI
Graduated with distinction, elected to Alpha Omega Alpha Society

Internship in Family Practice 1982, St. John Hospital, Detroit, MI

Residency in Obstetrics & Gynecology 1984-1987
Good Samaritan Medical Center, Phoenix, AZ
9/86-10/86, Galloway Fellowship, Sloan Kettering Hospital, New York
City, two months in gynecologic oncology

Professional Experience

Beginning 8/98: Alaska Area Women's Health Consultant, Anchorage, AK

May 1997-June 1998: President of Medical Staff, Alaska Native Medical
Center, Anchorage, AK

May 1996-February 1998: Senior Clinical Specialist, Alaska Native Medical
Center, Anchorage, AK

July 1993-April 1996: Chief of OB-GYN department, Alaska Native Medical
Center, Anchorage, AK

July 1987-June 1993: Staff clinician in OB-GYN, Alaska Native Medical
Center, Anchorage, AK

August 1982-June 1984: Chief of Pediatrics, 2 year service obligation in National
Health Service Corps, Truk State Hospital, Truk State, Micronesia

Board Certification

American College of Obstetrics & Gynecology, December 1989

Professional Memberships

American College of Obstetrics & Gynecology
American Medical Women's Association
Alpha Omega Alpha Society
American Institute of Ultrasound Medicine
American Society of Colposcopy & Cervical Pathology
American Society of Gynecologic Laparoscopy
Commissioned Officer's Association
International Association of Voluntary Sterilization
North American Menopause Society
Physicians for National Health Care Program
Retired Officer's Association

Awards

Public Health Service Award-1983
Isolated Hardship Award-1984
Unit Commendation Award- 1990
Achievement Medal- 1991
Unit Commendation Award- 1996
YWCA Woman of Achievement honoree-1997
Outstanding Service Medal- 1998
Distinguished Service Award- 1998

References furnished upon request

Leslie D. Bogda Wheeler
P.O. Box 878885
Wasilla, Alaska 99687

- OBJECTIVE:** Continued participation as the public member on the Violent Crimes Compensation Board.
- EDUCATION:** Master of Business Administration, Degree, Alaska Pacific University, 1995.
Bachelor of Social Work, Degree, University of Alaska Anchorage, 1984.
- RELATED EXPERIENCE:**
- 6/96 to present Established small housing related enterprise for family business. Consulted and advised regarding rural small business development and marketing; non-profit administration, policy development, and work with/on Boards.
- Served as public member, interim chairperson, and current chairperson of the Violent Crimes Compensation Board. With other Board members and staff assistance reviewed and awarded claims submitted by innocent victims of violent crime in Alaska. Participated in the interview and hiring process of the Administrator. Reviewed and contributed to budget proposals, annual reports, and development of the program to meet legislative requirements and victim needs. Attended national Victims of Crime Act conference and training.
- 6/96 to 9/96 Within the context of a community team, implemented an emergency program to assist victims of natural disaster in rural Alaska. Assisted with Alaska Native disaster victims to be sure needs were met despite cultural differences. Advocated for funding to replace lost tools and business related equipment.
- 5/95 to 6/96 Successfully secured finances and assisted partner with purchase and development of raw land and materials for residential construction and sale.
- 9/93 to 5/95 Graduate Assistant to the Director of the Management Department of Alaska Pacific University, Alaska's largest private university. Work included program and curriculum development; creation and production of program related marketing documents; development of accreditation statistics and documents; participation in staff and faculty meetings. Proctored senior comps.
- 11/84 to 12/93 Executive Director of a multi-service, nonprofit, domestic violence and sexual assault agency and twenty-bed shelter. Developed the organization into a viable community resource which directly served more than 4,300 clients a year. Developed community awareness of and appropriate services for victims of violent crimes and their families. Brought financial status of agency from significant budget deficit to \$20,000 fund balance. Developed budgets and oversaw more than one million dollars annually in fund accounts with outstanding annual audits. Secured funding for operations and capital projects. Oversaw development and construction of facilities. Worked closely with State and national organizations.
- 9/78 to 9/81 As Nutritionist at the largest domestic violence shelter in Alaska, developed the new position to meet program needs.
- 9/77 to 8/78 Developed tutoring program for students in an innovative alternative high school to help them graduate with a high school diploma.
- OTHER INTERESTS:** Conceptual Development, American History, Watercolor painting.
- REFERENCES:** Upon request.



OFFICIAL BUSINESS

Alaska State Legislature Senate

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832

January 20, 1999

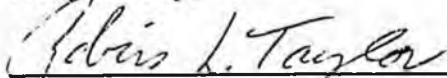
The Honorable Drue Pearce
President of the Senate
State Capitol
Juneau, AK 99801-1182

Dear Madam President:

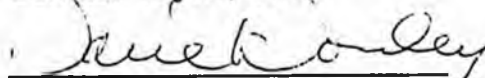
In accordance with AS 24.60.130, the Senate Judiciary Committee reviewed the following with regard to confirmation of the appointment by the Chief Justice:

Mr. H. Conner Thomas
Select Committee on Legislative Ethics


Respectfully,




Senator Taylor, Chair



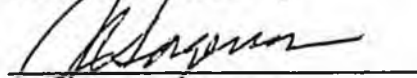
Senator Donley



Senator Ellis



Senator Halford



Senator Torgerson

"High moral and ethical standards among public servants in the legislative branch of government are essential to assure the trust, respect, and confidence of the people of this state."Legislative Findings Ethics Code AS 24.60

The Alaska Legislature: Under the authority set out in Article II of the Alaska State Constitution, the legislature established the Select Committee on Legislative Ethics to administer the legislative ethics law, AS 24.60.

The Select Committee on Legislative Ethics is responsible for:

- helping people understand and comply with the Alaska Legislative Ethics Code,
- issuing formal advisory opinions interpreting the ethics code,
- considering complaints alleging violations of the code and
- maintaining public files of disclosure statements

The Select Committee on Legislative Ethics:

The ethics committee has nine members: two senators, two representatives and five public members. The committee is divided into a House Subcommittee and a Senate Subcommittee for the purpose of considering most complaints. Elected officials, who serve two year terms, are appointed by the leadership of the appropriate body with the concurrence of two thirds of the full membership of that house. The public members, who serve three year terms, are selected by the Chief Justice of the Alaska Supreme Court and ratified by two thirds of the full membership of the legislature. The committee maintains a year 'round part-time office in Anchorage. P.O. Box 101468, Anchorage, AK 99510. (907) 269-0150. FAX (907) 269-0152

Who is covered by the Legislative Ethics Code and who isn't:

The requirements and prohibitions in the legislative ethics code apply to legislators and most employees of the legislative branch. The committee does not have jurisdiction over state employees who work in the Alaska State Government Executive Branch. Questions concerning the State of Alaska Executive Branch Ethics Act should be directed to the Office of the Attorney General, (907) 465-3600.

Interested in becoming a public member of the committee?

Anyone in the public who is interested in serving on the ethics committee should send a letter and resume, which includes party affiliation information, to the Alaska Supreme Court, Chief Justice, 303 K Street, Anchorage, AK 99501-2084.

H. CONNER THOMAS
P.O. Box 865
Nome, Alaska 99762
(907) 443-5226

EDUCATION

University of Louisville, School of Law
Louisville, Kentucky
J.D. (1977)

University of Kentucky
Lexington, Kentucky
B.A. Economics (1973)

EMPLOYMENT

Larson, Timbers & Thomas, P.C. August 1986 to present
Nome, Alaska
Associate and partner in a small general practice law firm

State of Alaska, Public Defender Agency May 1983 to August 1986
Nome, Alaska
Representing indigent criminal defendants

State of Alaska Court System - magistrate September 1982 to May 1983
Nome, Alaska
Arraign criminal defendants, preside over misdemeanor trials, master in child in need of aid and juvenile delinquency cases

Alaska Legal Services Corporation October 1979 to September 1982
Nome, Alaska
Staff and supervising attorney for law office representing indigent clients in civil cases

U.S. Department of Interior May 1979 to October 1979
Anchorage, Alaska
Land adjudicator

VISTA Volunteer October 1977 to January 1979
Fairbanks and Nome, Alaska
Staff attorney with Protection and Advocacy for developmentally disabled, Fairbanks Alaska
Staff attorney with Alaska Legal Services Corporation, Nome, Alaska

ORGANIZATIONS

Nome Kennel Club
Nome, Alaska
President, Board of Directors

December 1992 to present

Alaska Civil Liberties Union
Board of Directors

April 1994 to October 1997

Citizen Review Committee
Department of Health & Social Services

October 1985 to January 1987

RESUME

Curt Duane Wallace
240 Eisenhower Lane
Kenai, AK 99611
(907)283-9350 (H)
(907)262-0309 (W)

Education:

High School; Ninilchik School, Ninilchik Alaska
 Graduated May 1974

College; University of Alaska Fairbanks
 Bachelor of Business Administration, Management
 Graduated August 1984

Employment History:

April 1988 - Present

University of Alaska, Kenai Peninsula College, 34820 College Drive, Soldotna, AK 99669
Job Title; Support Services Technician
Duties; Purchasing, Accounts Receivables, Supervision and training of staff members.

PRINCIPAL RESPONSIBILITIES;

- 1) Purchasing agent responsible for the acquisition of goods & services for Kenai Peninsula College. Ensure compliance with State, Federal and University Procurement regulations and necessary budget. Resolve any disputes between vendors and the University. Participate in the writing, evaluation, and award of competitive bids, proposals, and contract administration.
- 2) Maintenance of all accounts receivables, including adjustments; journal vouchers, reconciliation of balance sheet accounts, analysis of doubtful accounts, monthly statements & collection activity.
- 3) Training & Supervision of other staff members.

October 1985 - April 1988

Coastal Services, Ltd.

Bags and Bales/North Road Liquor, Box 189, Kenai, AK 99611

Job Title; General Manager

Job description; Responsible for all aspects of operation and management of retail animal feed & supply and liquor store. Duties included ordering of all merchandise, management and supervision of personnel, inventory control, cash flow management customer credit, & accounting and collection activities.

Personal Data:

Birth Date; 03/27/56
Alaska resident since 1973
Marital status; Married
Health; Excellent
Other Interests; Fishing, boating, snowmobiles,
basketball & volleyball.

References:

Ginger Steffy, College Director
Kenai Peninsula College, (907) 262-0315

Marci Zimmerman, Director of Administrative Services
Kenai Peninsula College, (907) 262-0304

Ross Kinney, Deputy Commissioner of Revenue
State of Alaska, (907) 463-3669

CONFIRM.

2000



OFFICIAL BUSINESS


Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832

February 10, 2000

MEMORANDUM

TO: Senator Taylor, Chair
Judiciary Committee

FROM: Heidi Vogel 
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Pearce has referred the following names for legislative confirmation to your committee for a hearing, recommendation and report:

Commission on Judicial Conduct

Michael P. McConahy of Fairbanks

Appointed: 06/29/1999 Expires: 04/28/2003

Arthur H. Peterson of Juneau

Appointed: 04/27/1995 Reappointed: 06/29/1999

Expires: 04/28/2003

Alaska Judicial Council

Katie Hurley of Wasilla

Appointed: 07/13/1999 Expires: 05/18/2003

Violent Crimes Compensation Board

Stephen Boyer Wallace of Kodiak

Appointed: 08/27/1998 Reappointed: 01/19/2000

Expires: 12/15/2002

HV:kw
Resumes attached

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chair
Sen. Rick Halford, Vice-Chair
Sen. Dave Donley
Sen. John Torgerson
Sen. Johnny Ellis



State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: 465-3922

Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

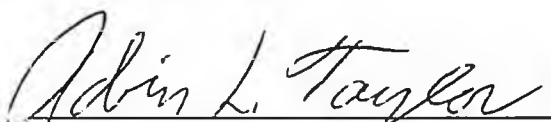
March 08, 2000

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

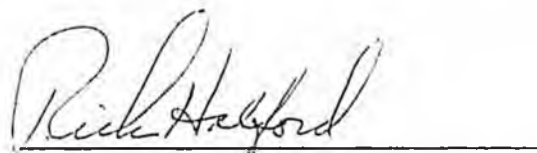
Commission on Judicial Conduct
Michael P. McConahy – Anchorage
Arthur H. Peterson – Juneau

There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

Respectfully,

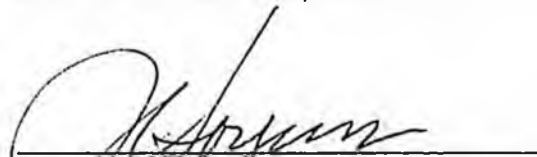


Senator Robin Taylor, Chair

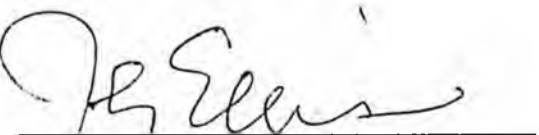


Senator Rick Halford, Vice Chair

Senator Dave Donley



Senator John Torgerson



Senator Johnny Ellis

RLT/sm

Michael P. McConahy graduated from the University of Pittsburgh in 1973 and is a 1978 graduate of the University of Puget Sound Law School and has been in practice in Alaska ever since, almost entirely as a trial lawyer. Mike is a member of the Alaska and Tanana Valley Bar Associations. Additionally, he is admitted to practice before all state courts in Alaska, the U. S. District Court in Alaska, the Ninth Circuit Court of Appeals, and the U. S. Supreme Court. He has a strong litigation background and his practice is primarily insurance defense litigation and workers' compensation defense.

Mike is happily married to Carol, and is the proud father of Zachary and Marshall. He also is a contended fly fisher and fly tier.

ARTHUR H. PETERSON

DILLON & FINDLEY, P.C.
350 North Franklin Street
Juneau, Alaska 99801

Phone: (907) 586-4000

BOARDS & COMMISSIONS

JAN 21 2000

Education

University of Chicago, Bachelor of Arts, 1960.
Wayne State University, Juris Doctor, 1963.

Bar Admissions

Michigan; Illinois; Alaska; federal courts, including U.S. Supreme Court

Professional Work Experience

1990 -- present: Private law practice, with emphasis on administrative law (including issues of adoption and construction of regulations), appellate litigation, statutory construction issues, and legislative and regulatory drafting. Selected as hearing and deciding officer for Department of Environmental Conservation air quality case, as appellate hearing officer for Department of Education special education cases, and as independent hearing officer by Nenana City School District. Adjunct professor of law science at University of Alaska -- Southeast (in paralegal program, teaching legal writing and drafting), Spring semester, 1992.

1973 -- 1990: Assistant attorney general and regulations attorney, in Alaska Department of Law. Handled a variety of cases, from tax matters and a couple of criminal appeals to legislative staff firing and session-length cases. Primarily handled administrative law and governmental issues. Wrote the 6th -- 10th editions of the state's Drafting Manual for Administrative Regulations, the last consisting of 203 pages. Edited the 1982 and 1990 editions (the 1st and 2nd) of the state's Hearing Officer's Manual.

Supervisor of the department's statewide Legislation/Regulations Section, responsible for all bill-drafting, bill-review, and related activities for the executive branch, as well as the processing and final legal review of administrative regulations adopted under the Administrative Procedure Act. Advised governor and all agencies in the executive branch of the state government.

1966 -- 1973: On staff of Alaska Legislative Affairs Agency: one year as legislative counsel; in 1967, appointed as the Alaska revisor of statutes, responsible for publication of the Alaska Statutes. Produced two or three editions of Alaska's Manual of Legislative Drafting. During this entire period, also served as the counsel to House Judiciary Committee, and, for one legislative session, concurrently served as the counsel to Senate Judiciary Committee, attending all meetings and hearings, advising the committees, questioning witnesses, etc. Among numerous studies, projects, and bills, produced (with a colleague) the first edition of Alaska's Drafting Manual for Administrative Regulations, as a modest 24-page "staff proposal," and (alone) wrote the next four editions.

1964 -- 1966: Examiner for National Railway Labor Conference. Wrote briefs for labor law proceedings.

Professional Activities

National Conference of Commissioners on Uniform State Laws (1975 -- present): Appointed and reappointed by four governors as one of Alaska's three (now five) uniform law commissioners. Elected to life membership (Alaska's first), August 1995. Served on or chaired various study committees, served on Drafting Committee for the Model State Administrative Procedure Act (1981) and the Drafting Committee for the Revised Uniform Adoption Act (1994), served as the Alaska liaison for the NCCUSL centennial, and chaired the Drafting Committee for the Uniform Putative and Unknown Fathers Act (1988). Currently serving on the Drafting Committee for the Revised Uniform Parentage Act, the Family Law Study Committee, and the NCCUSL's Legislative Committee.

National Legislative Conference (late 1960's): One term as chair of Statute Revision Workshop Committee.

Alaska Code Revision Commission (1978 -- 1981): Appointed to membership by governor. Served as member and vice-chair. This body, now defunct, held public hearings, drafted statute revisions, and recommended legislative action.

Alaska Commission on Judicial Conduct (1995 -- present): Nominated by Alaska Bar Association, appointed by governor, and confirmed by legislature to membership on the commission. Re-nominated and re-appointed to second four-year term in 1999. This body receives and investigates complaints against state judges and justices, conducts formal hearings in appropriate cases, and makes disciplinary recommendations to the supreme court. Chair of Rules Revision Committee (1998 -- present).

Alaska Supreme Court (1998 -- present): appointed by the court to its Access to Civil Justice Task Force, Steering Committee; co-chair of Alaska Legal Services Corporation Subcommittee.

Alaska Governor's Office (1982 and 1983): Served as lecturer/panelist for seminars on administrative law.

Alaska Legal Services Corporation (1974 -- present): Elected by attorneys in Southeast Alaska to eight three-year terms on board of directors and one three-year term as an alternate member of the board. Four times elected president; several times elected vice-president (serving currently); and served several terms on Executive Committee and as chair of Program Committee. ALSC is a nonprofit corporation providing free civil-law legal services to poor people, statewide.

Alaska Bar Association (1973 -- present): Member of Executive Committee of Administrative Law Section (1987 -- present). Lecturer/panelist for continuing legal education seminars on administrative law (1980, 1992, and 1994). One term as co-chair of Statutes, Rules, and Bylaws Committee. Served as member of Southeast Alaska Bar/Bench Press Relations Committee.

Juneau Bar Association (1973 -- present): Couple of terms as secretary. Served on various committees over the years.

Publications

Two or three editions of Alaska's Manual of Legislative Drafting; first 10 editions of Alaska's Drafting Manual for Administrative Regulations; first two editions of Alaska's Hearing Officer's Manual; numerous articles in Alaska Bar Rag (Alaska Bar Association newspaper); drafted executive-branch chapter for Legal Research for Paralegals (Edward H. Hein, Editor, West Publishing Co., 1996; edited authorship noted as an "acknowledgment").

Extracurricular activities and interests

Running, mountain and glacier hiking, kayaking, rollerblading, bicycling, reading, classical music. Captain of various running teams. Took first place in Juneau's 1990, 1991, 1993, and 1994 Empire Cup Runners Series, Men's 50 -- 59 Division. Served as president of Juneau Film Society for several years (in late 1960's). Member of Greater Juneau Arts Council (in late 1960's).

Awards

Legislative citation (1994) honoring my years of volunteer work as a Uniform Law Commissioner and service on the Alaska Legal Services Corporation board of directors. Plaque (1992) from Alaska Legal Services Corporation at 25th anniversary banquet, expressing appreciation for my five regular terms of board service as of that date. Elected to life membership (Alaska's first) in National Conference of Commissioners on Uniform State Laws (1995).

Early work experience

Clerk in drug store, clerk in book store, camp counselor, U.S. mailman, interviewer for management consultant firm, truck driver for coffee company.

Military service

U.S. Army Reserves and Alaska National Guard, 1963 -- 1969; active duty at Fort Leonard Wood, Missouri.

Family

Widowed in 1997, after 32 years and seven months of marriage to Carolyn Hobbs Peterson.

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chair
Sen. Rick Halford, Vice-Chair
Sen. Dave Donley
Sen. John Torgerson
Sen. Johnny Ellis



State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: 465-3922

Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

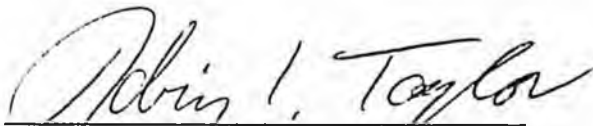
March 08, 2000

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

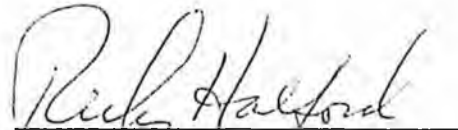
Alaska Judicial Council
Katie Hurley - Wasilla

There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

Respectfully,

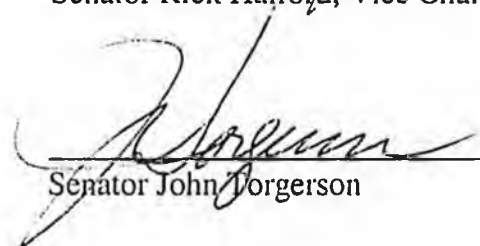


Senator Robin Taylor, Chair

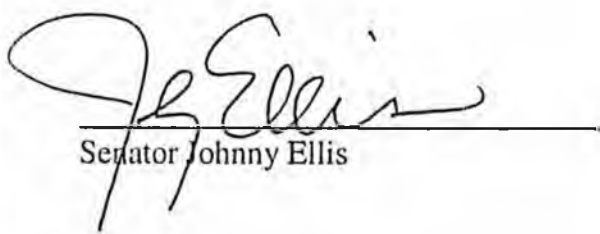


Senator Rick Halford, Vice Chair

Senator Dave Donley



Senator John Torgerson



Senator Johnny Ellis

RLT/sm

KATIE HURLEY

Place of Birth:- Juneau, Alaska; March 30, 1921

Parents: Olaf and Gyda Torkelsen

Education:

Salutatorian, class of '39, Juneau High School
Behnke-Walker Business College, Portland, Oregon
Attended University of Alaska, Anchorage and Mat-Su
Honorary Doctor of Laws Degree, University of Alaska 1995

Employment:

Office of Territorial Governor Ernest Gruening, 1940-1953
Chief of Staff, 8 years
Secretary, territorial Senate 1955, 1957
Special Assistant to Delegate and Senator E. L. (Bob) Bartlett
Chief Clerk, Alaska Constitutional Convention 1955-56
Governor Bill Egan's statehood transition staff 1958-59
Secretary, First State Senate 1959-60
Office Manager, Alaska Hardwoods Company, Wasilla 1963-64
Partner, Valley Abstract & Title Company, Palmer 1969-72
Executive Director, Alaska Commission on the Status of
Women 1980-83

Governor Appointments:

State Board of Education, President 1971-78
State Commission for Human Rights 1987-92; Chair 1989 & '90
State Personnel Board, August '96 to May '97

Elected Offices:

President, National Federation of Federal Employees, Juneau 1951
Democratic nominee for Lt. Governor 1978
Member, House of Representatives 1985-86
YWCA Board of Directors, Anchorage 1988-92
Alaska Women's Political Caucus Chair 1990
Board of Directors, Matanuska Telephone Association
1995 to present

Children: David Michael Alexander, Susan Alexander Derrera,
Mary Hurley Hilowitz; grandchildren: Hannah & Jacob Hilowitz;
Alexandra and Aidan Derrera

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chair
Sen. Rick Halford, Vice-Chair
Sen. Dave Donley
Sen. John Torgerson
Sen. Johnny Ellis



State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: 465-3922

Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

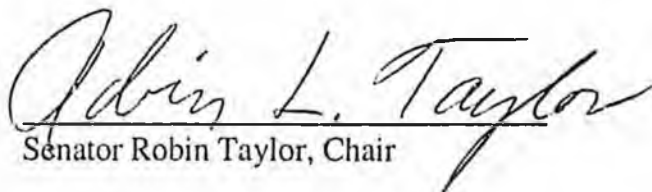
March 08, 2000

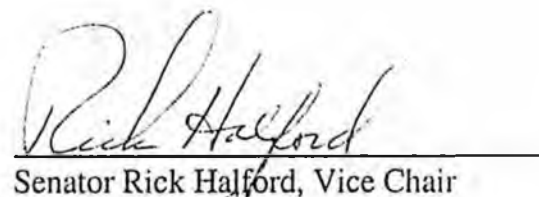
In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Violent Crimes Compensation Board
Stephen Boyer Wallace - Kodiak

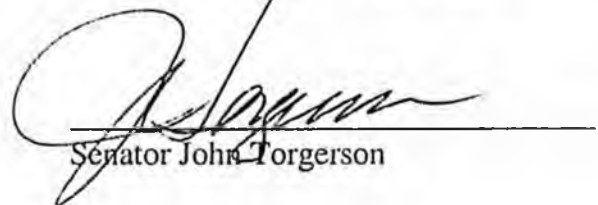
There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

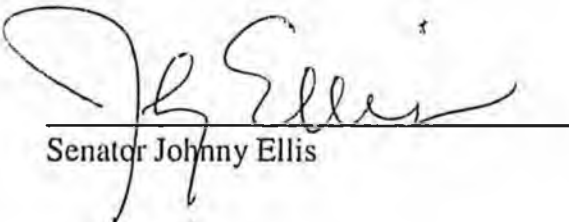
Respectfully,


Senator Robin Taylor, Chair


Senator Rick Halford, Vice Chair

Senator Dave Donley


Senator John Torgerson


Senator Johnny Ellis

RLT/sm

STEPHEN BOYER WALLACE
P.O. Box 4054
Kodiak, Alaska 99615
WK: (907) 486-6024

Violent Crimes
Compensation
Commission

EDUCATION

Doctor of Jurisprudence, May 1988. University of Oregon School of Law, Eugene, Oregon.

Certified Police Officer. State of Alaska. Department of Public Safety Training Academy, Sitka, Alaska. 9/82-10/82.

B.A. Criminal Justice, June 1981. Michigan State University, E. Lansing, Michigan. Senior paper: Comparative Finance British and U.S. Law Enforcement.

Cambridge University School of Criminal Justice, Cambridge, England; Bedford College, London, England. Comparative study British and U.S. Criminal Justice systems. 7/80-8/80.

STUDY RELATED WORK

United States District Court. Anchorage, Alaska. Law Clerk/Internship with Presiding Judge Fitzgerald January - April 1988.

Jamin, Ebell, Bolger & Gentry, P.C., Kodiak, Alaska. Law Clerk in General Practice Law Firm, May-Aug. 1987.

Michigan House of Representatives. Legislative Aid to Representative Jeffrey D. Padden; Chairperson House Committee on Corrections. 9/80-6/81.

Adolescent Diversion Project, Field Interviewer, Dr. R. Davidson-Director, Michigan State University. 1/79-6/79.

EMPLOYMENT

Associate Attorney. Jamin, Ebell, Schmitt & Mason, P.C., Kodiak, Alaska. General practice law firm. July 15, 1998 - present.

Assistant Attorney General, Human Services Section, Office of the Attorney General, Anchorage, Alaska November 1997 - May 1998.

District Attorney. State of Alaska Department of Law, Kodiak, Alaska June 1993 - October, 1997.

Assistant District Attorney. State of Alaska Department of Law, Anchorage, Alaska. June 29, 1992 - May 1993.

Assistant District Attorney. State of Alaska Department of Law, Bethel, Alaska. August 1990 - May 1992.

Assistant District Attorney. State of Alaska Department of Law, Palmer, Alaska. July 1989 - August 1990.

Stephen Boyer Wallace

Law Clerk. State of Alaska Trial Courts, Honorable Victor Carlson, Superior Court Judge. September 1988 - June 1989.

Police Officer. North Slope Borough Department of Public Safety, Barrow, Alaska. 5/88-8/88. Public Safety Officer, assigned to Barrow and Village of Wainwright.

Police Officer. City of Kodiak Police Department, Kodiak, Alaska. 9/82-8/85; Summer 1986. Patrol Officer, Alternate shift supervisor, Field Training Officer.



OFFICIAL BUSINESS

Alaska State Legislature Senate

Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99601-1182
(907) 465-3701
FAX: 465-2832

March 27, 2000

MEMORANDUM

TO: Senator Taylor, Chair
Judiciary Committee

FROM: Heidi Vogel
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Pearce has referred the following names for legislative confirmation to your committee for a hearing, recommendation and report:

Board of Governors of the Alaska Bar

Anastasia Cooke Hoffman - Bethel

Appointed: 03/21/00 Expires: 06/30/02

Commission on Judicial Conduct

Sharon Nahomey - Anchorage

Appointed: 07/16/91 Reappointed: 01/01/92 Reappointed: 03/06/96

Reappointed: 03/03/98 Reappointed: 03/21/00 Expires: 12/31/03

Alaska Judicial Council

Gigi Pilcher - Ketchikan

Appointed: 03/21/00 Expires: 05/18/05

HV:kw
Resumes attached

Anastasia Cooke Hoffman
PO Box 2374
Bethel, AK 99559

Ethnicity: Yupik Eskimo *Nationality:* U.S. Citizen
Languages: English & Yupik

Education

Bethel Regional High School	Bethel, AK	1987-1991
Smith College	Northampton, MA	1991-1992
Stanford University BA - Psychology	Palo Alto, CA	1992-1995
University of Alaska Fairbanks Elementary Education Certification	Correspondence	1996-1997

Employment History

<i>Employer</i>	<i>Position/Duties</i>	<i>Dates</i>
Alaska Court System	<u>Cultural Navigator</u> One year contract to establish cultural navigator pilot project, hire and train court workers.	July 1998 - June 1999
Lower Kuskokwim School District	<u>Student Activities Coordinator</u> Organize student sports and academic events. Coordinate travel and funding.	Aug 1996 - July 1997
Association of Village Council Presidents	<u>Director - AVCP Receiving Home</u> Supervise 10 child care workers, complete quarterly reports, maintain facility, grant writing.	Oct 1995 - July 1996
Stanford University	<u>Resident Assistant</u> Oversee student staff in Native American Theme house, maintain positive living environment.	Dec 1993 - June 1995

Yukon Kuskokwim
Health Corporation

Outreach Counselor
Complete patient intakes, counsel
on-going cases, conduct patient
surveys.

June 1995 - Sept 1995
June 1994 - Sept 1995

State of Alaska

Legislative Representative
Maintain local Bethel office for
Senator George Jacko.

June 1993 - Sept 1993

Boards, Titles & Awards

1991	AFN Youth Conference - Chairperson
1992	AFN Roger Lang Youth Leadership Award
1992 - 1993	Miss World Eskimo Indian Olympics
1991 - 1993	Miss National Congress of American Indians
1993	Tundra Drums Bethel - Citizen of the Year
1995	Stanford University - Photography Award
1996	Assoc. of Village Council Pres. - President's Award (For work at the AVCP Receiving Home)
1998	Bethel Alternative Boarding School - Council Member
1998	Alaska Court Interpreters Advisory Committee
1998 - 2000	Bethel Advisory School Board - Chairperson

Note: I am currently unemployed. I chose to leave my position at the Alaska Court System to stay at home with my son Gage (2 yrs) and I am expecting another child in January.

CURRICULUM VITAE

SHARON NAHORNEY

Education and Continuing Education:

East Anchorage High School, Graduated 1962
Alaska Methodist University, 1963
North American Conference on Victim Assistance, 1987-90

Work Experience:

Victims for Justice
619 E. Fifth Avenue
Anchorage, AK 99501

1985 - Present

CourtWatch Director

Member, Board of Directors, September 1989 - June, 1990; Vice President, January 1990 - June 1990
Works with administrators at McLaughlin Youth Center to explore development of a victim-offender reconciliation program
Assisted in organizing a seminar entitled, "Victims' Rights: A New Frontier," June 1989, open to individuals and agencies providing services to victims of crime
Obtained donations of equipment and supplies required for establishment of office space
Remains active in fundraising and solicitation of in-kind contributions for operational expenses of organization
Recruits, screens and trains volunteers for CourtWatch program
Assists in preparation of brochures and other materials used in public education and for emotional support of victims of crime
Provided information to Representative Dave Donley which supported his authorship of legislation, recently passed, which addresses the rights of victims of crime
Provided written testimony to Alaska House Health, Education and Social Services Committee on needs of crime victims
Effectuated inclusion of victim input into Judicial Conference, 1989
Assists in maintaining current caseload of clients, including victims of crime and friends/families of homicide victims
Co-facilitates monthly peer support meeting for families of homicide victims
Coordinated development of Memorial Plaque, remembering those who have lost their lives through violent crime
Arranges and decorates Victims Tree (9th and G Street) in honor of those who have lost their lives through violent crime.
Member, Speakers' Bureau, giving presentations to community organizations, such as Lions Club and Rotary Club, for the purposes of raising public awareness of needs of crime victims and fundraising
Organizes public information events/services in connection with national and local observance of Victims' Rights Week, held annually during the month of April

Work Experience (Continued):

Provides education to juvenile offenders at the McLaughlin Youth Center concerning the impact of crime on offenders and their families/significant others

Coordinated Information Booth, Alaska State Fair, 1985

Coordinates development of public service announcements for radio and television for Victims for Justice and CourtWatch program

Chairman, "Celebrity Dunk" Committee, October 1989

Participated in numerous television and radio programs, discussing the impact of crime on the individual and the community

Coordinated and assisted in catering Volunteer Appreciation Luncheon, 1988-90

Office Manager/Dental Assistant, Tongue Thrust Therapist, 1964 - 1984

Tomann Investments, Property Management, 1986 - Present

Interior Design Company/Sharon's Conceptual Designs, 1980 - Present

Managing Partner, F and K Enterprises, 1986 - Present

President, Tom's Heating and Plumbing, 1985-86

Co-Managing Partner, Cohoe Ventures, 1986-present

Executrix, Faccio Estate, Managing Real Estate and Personal Properties, 1985 - Present

Anchorage Women's Commission, 1990; Second Vice President, 1991-Present

Committees/Professional Organizations:

Member, National Organization for Victim Assistance

Member, National Victim Center

Member, Anchorage Sexual Assault Task Force, 1988 - Present

Member, Planning Committee, Memorial Service, North American Conference on Victim Assistance, 1988-89

Member, Safeguard Our Schools for Kids, 1989 - Present

Participated in establishing and building a church in Burkina Faso, West Africa, 1987

Chairperson, Puppet Show ("Wally Walrus Dreams a Lesson"), Alaska Dental Wives Auxiliary, Dental Health Week, 1977 - 1978

Member, Dental Wives Auxiliary, 1969 - 1984

Designs and coordinates specialty church decorations

Private Pilot's License, 1976; Sea Plane Rating, 1976

Runner-Up, Miss Fur Rendezvous, 1964

Alaska Resident, 1949 - Present

Anchorage Woman's Commission, 1990-Present

Anchorage Crime Commission, Courts Committee, 1988-Present

GIGI PILCHER
2749 THIRD AVENUE
KETCHIKAN, ALASKA 99901

AREAS OF EXPERTISE

Program Administration: Program management, staff supervision, maintenance of statistical and program records, monthly and quarterly reports.

Interagency Coordination and Cooperation: Establishing and maintaining interagency and coordination. Developing a network of referral agencies within the community.

Staff and Volunteer Supervision: Recruiting, training and supervising of staff, community volunteers dedicated to assisting the victims of domestic violence and sexual assault.

Educational Development: Teaching the various skills and sensitivities necessary for working effectively with individuals in crisis.

WORK EXPERIENCE

1988 to Present:

Executive Director, Women In Safe Homes, Ketchikan, AK.
Responsible for the problematic and fiscal administration of a comprehensive domestic violence and sexual assault shelter, counselling and prevention education program.
Program Management: Provide a comprehensive program service to the extended community, ensuring the program development and implementation.
Personnel Management: Assure effective recruitment, appropriate training and personnel supervision for the employed staff and operational volunteers.
Grants Management: Research, develop, monitor and evaluation local, state and federal grants to fund the program goals and objectives. Develop and maintain all required documentation, grant conditions and reports for the funding sources and state law.
Financial Management: Develop and monitor multi-funded program budgets.
Interagency Coordination and Public Education: Ensure continued constructive collaboration with local, state and federal agencies to provide integrated non-duplicative services. Present program issues and information to the public and various media.

1983 - 1988

Shelter Coordinator, Women In Safe Homes, Ketchikan, AK.
Responsible for the daily operation of the WISH shelter program for adults and adolescent clients.
Program Management: Oversee the daily operation and scheduling for the WISH shelter. Supervise direct service programs to adults and adolescents, maintain statistical information for the program.
Personnel Supervision: Supervise staff of six employees and a volunteer staff of three to 10. Participate in the hiring and termination of advocacy staff.
Training/Workshop Presentations: Trainer of all WISH advocacy staff, volunteers and Law Enforcement and Human Service Agency staff in sexual assault, domestic violence, victim assistance and crisis intervention.

Gigi Pilcher
Work Experience, Continued
Page 2

Direct Service: Counseling: Crisis, short term, Advocacy, Crisis intervention. Closely monitor client activities and intervene with the staff if clients are at risk. Suicide prevention/intervention. Client evaluation and case management.

Coordination with Other Agencies: Maintain a referral network with other agencies.

1981 - 1983

Advocate II, Women In Safe Homes, Ketchikan, AK.
Advocate for victims of domestic violence and sexual assault. Provide support and advocacy assistance for all crisis clients.
Direct Service: Crisis intervention, counseling and advocacy. Scheduling of client activities and seminars. Monitor client activities and intervene as necessary. Client evaluation.
Training and Workshop Presentation: Human service agency staff in sexual assault, domestic violence, victim assistance and crisis intervention.
Supervision: Provide general supervision of all advocacy program staff.
Grant Management: Responsible for the collection and maintenance of statistical information required by the grants.

1980 - 1981

Advocate I, Women In Safe Homes, Ketchikan, AK.
Advocate for victims of domestic violence and sexual assault. Provide direct services to clients: information counseling, support and assist clients in crisis situations. Specific duties are similar to those above with less supervisor responsibility.

1976 - 1980

Business Agent, Bartenders & Culinary Workers, Local #867, Ketchikan, AK.
Supervise the business operations of the Union Local.
Budgeting and Accounting: Collecting member dues and fees, development and supervision of the Union budget, monthly and quarterly reports and banking.
Negotiating: Negotiate contracts with employers: liquor dealers associations, employers of bartenders, cooks and prep cooks, waitresses and dish washers.
Grievance Resolution: Examine individual cases, make employer contracts for formal and informal grievance resolution, establish grievance committee and arrange arbitration hearings with Federal agencies when necessary.
Staff Supervision: Hire, train and supervise all employees of the Union Local.

EXPERIENCE IN WORKSHOP PRESENTATION

Presenter: Grief Workshop for Alaska Network on Domestic Violence and Sexual Assault, Anchorage, AK., 1987

Presenter: National Organization of Victim Assistance, Tucson, AZ., (1987), Denver CO., (1986), Kula, HI., (1985)

EDUCATIONAL BACKGROUND

- 1981 - 83 Ketchikan Community College, Ketchikan, AK. Sociology and Psychology.
- 1971 - 72 New Mexico State College, Grants, NM., Liberal Arts and General Studies.
- 1969 - 70 Honolulu Community College, Honolulu, HI., General Studies.

PROFESSIONAL DEVELOPMENT STUDIES

Ketchikan, AK.

- State Advisory Group Development, Anchorage, AK.
What To Do If Your Child Has Been Molested in Placement,
Anchorage, AK.
Therapeutic Support to Foster Parents, Anchorage, AK.
Identifying Abnormalities in Children, Ketchikan, AK.
Multiple Impact Treatment Therapy, Ketchikan, AK.
Substance Abuse Counseling I, Ketchikan, AK.
Substance Abuse Counseling II, Ketchikan, AK.
The Trauma of Incest - Working with Children in Shelters,
Anchorage, AK
Violence in Alaska: A Community Concern, Anchorage, AK.
Fighting Fear: A Community Response to Sexual Assault,
Portland, OR
Overview of Incest, Juneau, AK.
Sexual Abuse Intervention, Ketchikan, AK.
FAS/FAE Training
Training of Trainers, National Organization of Victim Assistance, Dallas, TX.
Sexual Assault, S.T.A.R. Network
Victim Advocacy, National Organization of Victim Assistance,
Victim Counseling, National Organization of Victim Assistance,

PUBLIC SERVICE, AWARDS, and AFFILIATIONS

State of Alaska Governor's Boards & Commission

- Alaska Sentencing Commission
Governor appointee 1988-1992
- Alaska Juvenile Justice Advisory Committee
Governor appointee 1988-1998
- Alaska Executive Clemency Advisory Committee
Governor appointee 1995-1999
- Governor's Conference on Children and Juvenile Justice
Governor appointee 1995-1996
- Governor's Conference on Domestic Violence Appointed
Governor appointee 1997
- Alaska Foster Care Review Board,
Governor appointee 1998

State of Alaska, Division of Family and Youth Service

- D.F.Y.S. Licensed Foster Parent 1980-1990
- D.F.Y.S. Ketchikan Foster Care Review Board 1989-1988
- D.F.Y.S. Out of Home Care Conference Planning Committee 1988-1990
- D.F.Y.S. Strategic Planning for Development of 4-year plan "Into the Nineties" member 1989-1990

Service Elected Positions

- City of Ketchikan Personnel Board
- Mayor appointee 1990-1988, 1998-2001
- Mayor's Task Force on Alcohol & Drug Abuse
- Appointed member 1993-1995
- Ketchikan Native Education Board, Title IX Elected position 1988-2000
- Revilla High School Parent Advisors Council- Vice President Selected/served 1987-1988
- Schoenber Middle School PTA Council Representative Elected 1993
- Ketchikan PTA 1993-1995
- School and Community Together Committee Member 1992-1993
- Women in Safe Homes Member/Volunteer 1977-1999
- Ketchikan Big Brother/Big Sisters Board Member 1989-1990
- Ketchikan Child Abuse Protocol Team Member 1989-1986
- Democratic Party Delegate 1984-1988
- Democratic Party S.E. Convention Delegate 1988
- Democratic Party State Convention Delegate 1988
- Alaska State AFL-CIO Regional Vice President 1978-1980
- Alaska State Council of Hotel and Restaurant Employees and Bartenders Vice President 1976-1980
- Ketchikan Central Labor Council Delegate/elected Secretary-Treasurer 1975-1980
- Ketchikan Building and Trades Council Delegate 1975-1980
- Ketchikan Indian Corporation Enrolled tribal members Affiliation

Award/Recognition

- G.E.D.
- Hall of Fame Award SERRC 1989
- Women Helping Women Soroptimist Award 1988
- City of Ketchikan Public Servant of the Year 1984

SB

1



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

To: Senator Robin Taylor
Chair, Senate Judiciary Committee

From: Senator Dave Donley *DD*

Re: Hearing Request for SB 1 - "Literacy as an eligibility
For Good Time Credits"

Date: February 3, 1999

I request that you schedule Senate Bill 1, an act requiring convicted prisoners to obtain certain educational requirements before becoming eligible for sentence reductions, for a hearing in your committee.

Senate Bill 1 would require convicted prisoners to obtain a high school diploma or a general education development (G.E.D) diploma before becoming eligible for a good time sentence reduction or mandatory parole.

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.

SB 1 seeks to reduce the recidivism rate for Alaska's correctional facilities by encouraging prisoners to obtain their G.E.D. thereby increasing their chances of successfully re-intergrating back into society when they are released. Those who choose not to obtain their G.E.D. would forfeit the opportunity to be released early under Alaska's very liberal "good time" credit provision.

If you have any questions, please contact James Armstrong of my staff at 3887.

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 • Chairman, Capitol Budget Subcommittee •
MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/19/99

FURTHER: Finance

Date of 5-Day Notice: 3-11-99
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/13/99

Judiciary Committee considered SENATE BILL NO. 1

"An Act relating to good time and release on mandatory parole."

and recommends:

- be replaced with _____ CS SB 1 234(H) (JUD)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical title
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

AK Courts	3/12	x	
✓ Pub Defender	3/12	x	
Law	3/15	x	
Corrections	3/15		x

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. CSSB 1(JUD)

Revision Date: _____
 Title: "An Act relating to good time and release on mandatory Parole"
 Sponsor: Senator Donley
 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: 3/23/99

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This bill would make prisoners without high school diplomas or GEDs ineligible for mandatory release parole unless they are either "incapable of obtaining" diplomas or equivalents or because they do not speak English as their primary language and because of their "age and social background", they cannot reasonably be expected to obtain a diploma or equivalent. However, the bill does not say who checks out the prisoners' high school and GED records, who decides whether prisoners are "incapable" of obtaining diplomas, or whether the Department of Corrections made programs available to prisoners.

Because of these uncertainties, the Public Defender Agency does not know if the courts would appoint the Agency to represent prisoners affected by this bill if it were enacted. Therefore, an indeterminate fiscal note is submitted.

Under current law, prisoners can be ordered by the court to participate in rehabilitative programs if they are made available by the Department of Corrections. AS 12.55.015(a)(10) If prisoners do not participate, their mandatory release parole can be "anticipatorily" revoked (revoked before the prisoner is released). AS 33.16.220(a) (Anticipatory revocation is equivalent to a loss of all a prisoner's "good time" credits.) The Parole Board makes the decision on whether mandatory release parole is revoked. The prisoner has a right to an appointed attorney -- usually the Public Defender Agency. The anticipatory revocation process was recently approved by the Alaska Court of Appeals in Webb v. State.

On the other hand, the Public Defender Agency does not represent prisoners in lawsuits or hearings about conditions of confinement, transfers, and in prison disciplinary matters. AS 18.85.100

Because we are uncertain about which of the above categories this legislation belongs in, we are submitting an indeterminate fiscal note.

FISCAL NOTE

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

BILL NO. CS SB 1(JUD)

Revision Date/Time (Note if correction) <u>03/23/99</u>	Dept. Affected <u>Department of Corrections</u>
Title <u>An Act conditioning the award of good time and release on mandatory parole on the attainment of certain ...</u>	BRU <u>Administration and Operations</u>
Sponsor <u>Senator Donley</u>	Component <u>All</u>
Requester <u>Senate Judiciary Committee</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	58.8	58.8	58.8	58.8	58.8	58.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous				72.3	512.0	732.4
TOTAL OPERATING	58.8	58.8	58.8	131.1	570.8	791.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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	58.8	58.8	58.8	131.1	570.8	791.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	58.8	58.8	58.8	131.1	570.8	791.2

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>3/31/99 11:10 AM</u>
Approved by <u>Comm. Margaret M. Pugh</u> <i>Margaret M. Pugh</i>	Date <u>3/31/99</u>
Agency <u>Department of Corrections</u>	

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS

BILL NO. CS SB 1(JUD)
PAGE 2 of 2
DATE 3/31/99

Assumptions:

1. The Dept. of Corrections estimates that approximately 200 inmates convicted per year will be subject to the diploma/G.E.D requirement contained in sections one and two of CS SB 1(JUD). This number was arrived at by assessing data submitted by the Dept. of Corrections to the Bureau of Justice for the Violent Offender Incarceration Act (VOIA) grant. The VOIA grant application does not count inmates who have received a life sentence or some crimes that would still bring a sentence of two or more years. Therefore the 200 inmate number is believed to be conservative as there are inmates who receive 2 year or greater sentences that are not included.

2. Assuming 35% of the 200 inmates would already have their diploma/G.E.D, the remaining 130 inmates would be subject to the requirements in CS SB 1(JUD) and would risk losing their statutory good time credit if they failed to obtain their diploma/G.E.D prior to their mandatory parole release date.

3. Assuming that eight percent of the 130 remaining inmates were incapable of obtaining a diploma/G.E.D the number would be reduced to 120. It is estimated that an additional 9 inmates would be eliminated because they do not speak english and due to their social background. The remaining number subject to the provisions of CS SB 1(JUD) would be approximately 111. Incapable is not defined in this legislation and is assumed by the Dept. of Corrections that it means mentally incapable.

It is estimated it will cost approximately \$4,625 in contractual services to administer the Test of Adult Basic Education (TABE) to assess the 111 inmates literacy/education level.

It is estimated it will cost approximately \$8,000 in contractual services per year to make determinations whether an inmate is capable of obtaining a diploma/G.E.D.

It is estimated it will cost approximately \$46,250 in contractual services for teaching/tutoring services in addition to current DOC expenditures for educational services.

It is estimated that approximately fifteen percent (16 inmates) of the 111 inmates participating will fail/refuse to obtain their diploma/G.E.D. Estimating the average sentence for these inmates at five years, they would not be eligible for their one-third statutory good time deduction and would remain incarcerated for an additional 608 days at a cost of \$45,782 per inmate (half at institution rate / half at CRC rate = \$75.30 per day).

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date		Dept.	<u>Alaska Court System</u>
Title	<u>Good Time and Release on Man. Parole</u>	Affected	<u>BRU</u>
		Component	<u>Trial Courts</u>
Sponsor	<u>Senator Donley</u>		
Requester	<u>Senate Judiciary</u>	Component Serial No.	<u>769</u>

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 (Specify Type)						
TOTAL	.	.	.	.	.	.

Estimate of any current year (FY99) cost: None

POSITIONS

Full-time						
Part-time						
Temporary						

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

SB 1 provides that before a prisoner serving a term of two years or more is eligible for release on mandatory parole or for a good time deduction, he or she must have obtained a high school diploma, a GED, or the equivalent or be incapable of obtaining a diploma or its equivalent. Because these provisions will increase the amount of time some prisoners will spend incarcerated, they may result in more cases going to trial. However, the extent of this increase, if any, is too speculative to estimate. If SB 1 should result in a significant increase in the number of criminal cases that proceed to trial the court system may return to the legislature for additional funding.

Prepared by:	<u>Doug Wooliver, Administrative Attorney</u>	Phone:	<u>264-8265</u>
Agency	<u>Alaska Court System</u>	Date/Time:	<u>3/12/99 1:41 PM</u>
Approved by:	<u>Stephanie J. Cole, Administrative Director</u>	Date	<u>3/12/99</u>
Agency	<u>Alaska Court System</u>		

Doc Ellis

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date/Time (Note if correction) _____ Dept. Affected Law
 Title "An Act relating to good time and release on BRU Criminal Division
mandatory parole." Component Criminal Justice Litigation
 Sponsor Senator Donley
 Requester Senate Judiciary Committee Component Serial No. 2202

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	*****	*****	*****	*****	*****	*****
1005 GF/Program Receipts						
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)

SB 1 would require that, in order to be eligible for mandatory parole, a prisoner would have to have a high school diploma or general education development diploma, unless the individual was incapable of obtaining the diploma. This bill would apply to those persons serving sentences of two years or longer who are convicted after the effective date of the act.

Prisoners are quite litigious. Any restriction that affects the length of their sentence can and is likely to be challenged through an application for post-conviction relief, which must be responded to by the state. The Department of Law has no way to estimate how many new applications for post-conviction relief passage of this bill might generate, and therefore cannot assign a cost without additional experience.

Prepared by Joan M. Kasson Phone 465-5370
 Division Attorney General's Office Date/Time 3/15/99, 9:16 AM
 Approved by Commissioner Richard M. Bielecki Attorney General Date 3/15/99
 Agency Department of Law

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: _____
 Title: "An Act relating to good time and release on mandatory Parole"
 Sponsor: Senator Donley
 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 2 002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**

CAPITAL EXPENDITURES	**	**	**	**	**	**
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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: 3/12/99

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This bill would make prisoners without high school diplomas or GEDs ineligible for mandatory release parole unless they are "incapable of obtaining" diplomas or equivalents. However, the bill does not say who checks out the prisoners' high school and GED records, who decides whether prisoners are "incapable" of obtaining diplomas, or whether the Department of Corrections must make the opportunity to obtain a GED available to prisoners.

Because of these uncertainties, the Public Defender Agency does not know if the courts would appoint the Agency to represent prisoners affected by this bill if it were enacted. Therefore, an indeterminate fiscal note is submitted.

Under current law, prisoners can be ordered by the court to participate in rehabilitative programs if they are "made available" by the Department of Corrections. AS 12.55.015(a)(10) If prisoners do not participate, their mandatory release parole can be "anticipatorily" revoked (revoked before the prisoner is released). AS 33.16.220(a) (Anticipatory revocation is equivalent to a loss of all a prisoner's "good time" credits.) The Parole Board makes the decision on whether mandatory release parole is revoked. The prisoner has a right to an appointed attorney -- usually the Public Defender Agency. The anticipatory revocation process was recently approved by the Alaska Court of Appeals in Webb v. State.

On the other hand, the Public Defender Agency does not represent prisoners in lawsuits or hearings about conditions of confinement, transfers, and in prison disciplinary matters. AS 18.85.100

Because we are uncertain about which of the above categories this legislation belongs in, we are submitting an indeterminate fiscal note.

1-LS0023VH
Luckhaupt
3/16/99

updated
3/19/99

*Halford statement -
Letter of intent - no
just for the record*

CS FOR SENATE BILL NO. 1()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Leman, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act conditioning the award of good time and release on mandatory parole
2 on the attainment of certain minimum educational standards for prisoners serving
3 certain sentences."

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

5 * Section 1. AS 33.16.010(a) is repealed and reenacted to read:

6 (a) A prisoner is eligible for mandatory parole if the prisoner

7 (1) is serving a term or terms of two years or more; and

8 (2) either

9 (A) has attained a high school diploma, a general education
10 development diploma, or the equivalent before being incarcerated or while
11 incarcerated if the program was made available to the prisoner by the
12 department;

13 (B) is incapable of obtaining a diploma or its equivalent; or

14 (C) does not speak English as the prisoner's primary language

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and, due to the prisoner's age and social background, the commissioner ^{determines} ~~certifies~~ that the prisoner cannot reasonably be expected to meet an educational requirement.

* Sec. 2. AS 33.16.010(c) is amended to read:

(c) A prisoner who is not eligible for discretionary parole, or who is not released on discretionary parole, shall be released on mandatory parole for the term of good time deductions credited under AS 33.20 [,] if the prisoner is eligible under (a) of this section [TERM OR TERMS OF IMPRISONMENT ARE TWO YEARS OR MORE].

* Sec. 3. AS 33.20.010(a) is amended to read:

(a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner convicted of an offense against the state or a political subdivision of the state and sentenced to a term or terms of imprisonment

(1) of two years or more [THAT EXCEEDS THREE DAYS] is entitled to a deduction of one-third of the term or terms of imprisonment rounded off to the nearest day if the prisoner follows the rules of the correctional facility in which the prisoner is confined and the prisoner either

(A) attains or has attained a high school diploma, a general education development diploma, or an equivalent diploma before being incarcerated or while incarcerated if the program is made available to the prisoner;

(B) is incapable of attaining a diploma or its equivalent; or

(C) does not speak English as the prisoner's primary language and, due to the prisoner's age and social background, the commissioner ^{determines} ~~certifies~~ that the prisoner cannot reasonably be expected to meet an educational requirement;

(2) that exceed three days but less than two years is entitled to a deduction of one-third of the term or terms of imprisonment rounded off to the nearest day if the prisoner follows the rules of the correctional facility in which the prisoner is confined. [A PRISONER IS NOT ELIGIBLE FOR A GOOD TIME DEDUCTION IF THE PRISONER HAS BEEN SENTENCED TO A

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(1) MANDATORY 99-YEAR TERM OF IMPRISONMENT UNDER AS 12.55.125(a) AFTER JUNE 27, 1996; OR

(2) DEFINITE TERM UNDER AS 12.55.125(l)].

* Sec. 4. AS 33.20.010 is amended by adding a new subsection to read:

(c) A prisoner is not eligible for a good time deduction if the prisoner has been sentenced to a

(1) mandatory 99-year term of imprisonment under AS 12.55.125(a) after June 27, 1996; or

(2) definite term under AS 12.55.125(l).

* Sec. 5. The changes made to AS 33.16.010 and AS 33.20.010 by this Act apply to persons ~~who~~ ^{are} convicted of crimes ~~on~~ ^{committed} on or after the effective date of this Act.

committed

CS FOR SENATE BILL NO. 1()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Leman, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act conditioning the award of good time and release on mandatory parole
2 on the attainment of certain minimum educational standards for prisoners serving
3 certain sentences."

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

5 * Section 1. AS 33.16.010(a) is repealed and reenacted to read:

6 (a) A prisoner is eligible for mandatory parole if the prisoner

7 (1) is serving a term or terms of two years or more; and

8 (2) has attained a high school diploma, a general education
9 development diploma, or the equivalent or is incapable of obtaining a diploma or its
10 equivalent.

11 * Sec. 2. AS 33.16.010(c) is amended to read:

12 (c) A prisoner who is not eligible for discretionary parole, or who is not
13 released on discretionary parole, shall be released on mandatory parole for the term of
14 good time deductions credited under AS 33.20 [,] if the prisoner is eligible under (a)

1 of this section [TERM OR TERMS OF IMPRISONMENT ARE TWO YEARS OR
2 MORE].

3 * Sec. 3. AS 33.20.010(a) is amended to read:

4 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
5 convicted of an offense against the state or a political subdivision of the state and
6 sentenced to a term or terms of imprisonment

7 (1) of two years or more [THAT EXCEEDS THREE DAYS] is
8 entitled to a deduction of one-third of the term or terms of imprisonment rounded off
9 to the nearest day if the prisoner follows the rules of the correctional facility in which
10 the prisoner is confined and the prisoner attains or has attained a high school
11 diploma, a general education development diploma, or an equivalent diploma or
12 is incapable of attaining a diploma or its equivalent;

13 (2) that exceed three days but less than two years is entitled to a
14 deduction of one-third of the term or terms of imprisonment rounded off to the
15 nearest day if the prisoner follows the rules of the correctional facility in which
16 the prisoner is confined. [A PRISONER IS NOT ELIGIBLE FOR A GOOD TIME
17 DEDUCTION IF THE PRISONER HAS BEEN SENTENCED TO A

18 (1) MANDATORY 99-YEAR TERM OF IMPRISONMENT UNDER
19 AS 12.55.125(a) AFTER JUNE 27, 1996; OR

20 (2) DEFINITE TERM UNDER AS 12.55.125(l)].

21 * Sec. 4. AS 33.20.010 is amended by adding a new subsection to read:

22 (c) A prisoner is not eligible for a good time deduction if the prisoner has been
23 sentenced to a

24 (1) mandatory 99-year term of imprisonment under AS 12.55.125(a)
25 after June 27, 1996; or

26 (2) definite term under AS 12.55.125(l).

27 * Sec. 5. The changes made to AS 33.16.010 and AS 33.20.010 by this Act apply to
28 persons convicted of crimes on or after the effective date of this Act.

1-LS0023VD
Luckhaupt
1/22/99

CS FOR SENATE BILL NO. 1()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Leman, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act conditioning the award of good time and release on mandatory parole
2 on the prisoner's attaining certain minimum educational standards."

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

4 * Section 1. AS 33.16.010(a) is repealed and reenacted to read:

- 5 (a) A prisoner is eligible for mandatory parole if the prisoner
- 6 (1) is serving a term or terms of two years or more; and
- 7 (2) has attained a high school diploma, a general education
- 8 development diploma, or the equivalent or is incapable of obtaining a diploma or its
- 9 equivalent.

10 * Sec. 2. AS 33.16.010(c) is amended to read:

- 11 (c) A prisoner who is not eligible for discretionary parole, or who is not
- 12 released on discretionary parole, shall be released on mandatory parole for the term of
- 13 good time deductions credited under AS 33.20 [,] if the prisoner is eligible under (a)
- 14 of this section [TERM OR TERMS OF IMPRISONMENT ARE TWO YEARS OR

1 MORE].

2 * Sec. 3. AS 33.20.010(a) is amended to read:

3 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner
4 convicted of an offense against the state or a political subdivision of the state and
5 sentenced to a term of imprisonment that exceeds three days is entitled to a deduction
6 of one-third of the term of imprisonment rounded off to the nearest day if the prisoner
7 follows the rules of the correctional facility in which the prisoner is confined and the
8 prisoner attains or has attained a high school diploma, a general education
9 development diploma, or an equivalent diploma or is incapable of attaining a
10 diploma or its equivalent. A prisoner is not eligible for a good time deduction if the
11 prisoner has been sentenced to a

12 (1) mandatory 99-year term of imprisonment under AS 12.55.125(a)
13 after June 27, 1996; or

14 (2) definite term under AS 12.55.125(1).

15 * Sec. 4. The changes made to AS 33.16.010 and AS 33.20.010 by this Act apply to
16 persons convicted of crimes on or after the effective date of this Act.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sponsor Statement For Senate Bill 1 Requiring Literacy as an Eligibility for Parole or Good Time Credit

Senate Bill 1 would require convicted prisoners to obtain a high school diploma or a general education development (G.E.D) diploma before becoming eligible for a good time sentence reduction or mandatory parole.

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 quite high 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.

National studies indicate that roughly two-thirds of today's prison inmates are functionally illiterate. These studies further point out a strong correlation between illiteracy and criminal behavior and show recidivism rates to be much higher for low-level literacy criminals.

In 1983, Alabama conducted an investigation on recidivism on 129 inmates who had taken post-secondary education courses while incarcerated. The recidivism rate was 3.9% for those 129 individuals compared to a 25% rate for all others released by Alabama that same year.

SB 1 seeks to reduce the recidivism rate for Alaska's correctional facilities by encouraging prisoners to obtain their G.E.D. thereby increasing their chances of

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

Senate Bill 1
Sponsor Statement
Page 2

successfully re-intergrating back into society when they are released. Those who choose not to obtain their G.E.D. would forfeit the opportunity to be released early under Alaska's very liberal "good time" credit provision.

Those prisoners who are incapable of obtaining a G.E.D. or who have already received a high school diploma or its equivalent would not be subject to the provisions of Sb 1.

SB 1 is pro-active legislation designed to reduce the recidivism rate through encouraging literacy among imprisoned criminal offenders. Lower recidivism means safer Alaskan communities.

DD/jja

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Topic Code 13

Illiteracy Fueling America's Juvenile Crime Problem

America presently has the highest juvenile crime rates in her history, and the demographic warning signs indicate the worst is yet to come.

As liberals continue to wall that poverty and low self-esteem are the root causes of crime, and as conservatives rightly point out that low God-esteem—often exacerbated by family breakdown—is a root cause of crime, it's time for policymakers on both sides of the aisle to address a frequently overlooked yet taxpayer-subsidized root cause: illiteracy.

Dr. Floyd Coppedge, an Oklahoma Democrat who serves as Gov. Keating's education secretary, is justifiably concerned about the connection he sees between the "low achievement levels" of many Oklahoma students "who receive high school diplomas even though only minimally education," and Oklahoma's juvenile crime problem. As Marva Collins, founder of Chicago's famous Westside Preparatory School, has pointed out, incarcerated juveniles in study after study have had one thing in common: they couldn't read. Longtime educator Michael Brunner, in his book *Retarding America: The Imprisonment of Potential*, says flatly that "reading failure is most likely a cause, not just a correlate, for the frustration that can and does result in delinquent behavior."

Why can't Johnny read? Because he's not receiving the reading instruction recommended by experience and by experimental research: intensive, systematic phonics.

You'll recall that phonics is the successful method used to teach beginners to read from time immemorial. The student learns the associations between letters and sounds, and soon he can read any word off the page. Despite this time-honored method producing high (by today's standards *phenomenal*) literacy, "progressive" educators around 1925 started using their speculative look-say/whole-word instruction, in which a word is supposed to be recognized and memorized as a whole, without any need to break it down by parts. This faulty method, which in its current incarnation goes by the name "whole language," is openly hostile to systematic phonics

instruction.

According to Professor Ken Goodman, one of America's most famous whole language evangelists, "whole language classrooms liberate pupils to try new things, to invent spellings, to experiment with a new genre, to guess at meanings in their reading, or to read and write imperfectly." In Professor Goodman's world, reading is—get this—"a psycholinguistic guessing game."

Sadly, the victims of this miseducation are the losers in this game. Whereas illiteracy was once, in John Adams' words, as rare as an earthquake or a comet; whereas Pierre DuPont de Nemours wrote in 1812 that fewer than four of every thousand Americans (0.4 percent) could not read well; whereas the U.S. Bureau of Education reported in 1910 that only 22 out of every thousand children ages 10 to 14 in this country (2.2 percent) were illiterate; today 22 percent of all American adults cannot read.

The Department of Education's comprehensive 1992 National Adult Literacy Survey represents 190 million U.S. adults *with an average school attendance of 12.4 years*. Yet 22 percent can't read, and another 57 percent read below an 8th-grade level, according to Regna Wood, a research consultant for the National Right to Read Foundation who has chronicled this problem in *National Review* and elsewhere. We've gone from a minuscule illiteracy rate in the days before compulsory schooling to a rate of more than *one in a five* when the average modern-day illiterate has done time in a tax-supported school.

Dr. Patrick Groff, professor of education emeritus at San Diego State University, says that whole language—the primary method used to teach reading in our public schools—may indeed be a major contributor to our juvenile crime problem, because it "is designed to guarantee failure for many students. In fact, the empirical evidence from 70 years of experimental research has led some scholars to equate it with academic child abuse." Yet the educational establishment, says Boston University president Dr. John Silber, continues to ignore "the disastrous results they produce."

Hilde Mosse, M.D., who has diagnosed children with reading disorders for over two decades as a school psychiatrist, says "the causative chain starts with the fact that the child is not taught reading properly." The child then "may feel that he is stupid and that he will never be able to achieve anything worthwhile in life, and in this way slide into delinquent behavior." No, Professor Goodman, this isn't a game.

Dr. Kathleen Wilcoxson, a fifth-grade teacher at Millard Fillmore Elementary School in Oklahoma City, has encountered "*multitudes* of children" thus damaged by whole language, many of them very bright children who are terribly frustrated. After nine months of intensive phonics instruction in her fifth-grade class, she says children normally have advanced two to four years.

Tragically, the anti-social aggression that leads to juvenile crime continues to be created in tens of thousands of classrooms across America, Brunner says, as teachers continue to use a teaching method "based upon theories of teaching and learning that cannot be validated by experimental research."

"There is no reason at any time to have any illiterates," Dr. Wilcoxson insists. After years of comparative research showing the superiority of intensive, systematic phonics, "we *know* how to teach children to read."

So why does this foolishness continue? Because whole language is a *political* movement with a left-leaning agenda which attracts many education professors who want to use education to remake society in their own image. Whole language advocate Michael Apple says it's one of the "wider social movements that aims at democratizing our economy, politics, and culture." Dr. Groff points out that some whole language advocates, such as Frank Smith, "disparage the very importance of literacy, on the grounds that it fails to make anyone smarter, more knowledgeable, more ethical, or more likely to obtain gainful employment."

Although reading failure is not the only cause of juvenile crime, Dr. Mosse and others say it is the major cause. Yet our tax-supported schools are perpetuating this heartrending failure, and that's downright criminal.



ABOUT THE AUTHOR

Brandon T. Dutcher is research director for OCPA.

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

February 19, 1999

Dear Senator Donley,

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse SB 1.

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



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 Reoffender 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 criminal" 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 85% 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

SB

2

LEGAL SERVICES

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MEMORANDUM

January 25, 1999

SUBJECT: Sectional Summary of SB 2 (Work Order No. 21-LS0027\A)

TO: Senator Rick Halford
Attn: Juli Lucky

FROM: Gerald P. Luckhaupt *JGL*
Legislative Counsel

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

Section 1 of the bill is the statutory "meat" of the bill. A number of new sections are created:

AS 47.30.816 provides legislative findings;

AS 47.30.817 requires the agency having custody of a person who may meet the criteria for a sexually violent predator to report the anticipated release of that person to the Attorney General; when a report is made, the Department of Health and Social Services is required to assemble the person's records and evaluate the person and determine if the person might be a sexually violent predator; if the Department of Health and Social Services determines that the person may be a sexually violent predator the agency with jurisdiction of the person must forward that finding and the person's records to the Attorney General;

AS 47.30.818 provides the procedures the Attorney General and the superior court will utilize when it is alleged that a person is a sexually violent predator and requires the superior court to determine if probable cause exists that the person is a sexually violent predator;

AS 47.30.819 provides (1) if probable cause is found under AS 47.30.818, the procedures for trial to determine if beyond a reasonable doubt the person is a sexually violent predator; (2) if the trier of fact determines the person is a sexually violent predator the court shall determine if the person must be committed; and (3) that a person committed shall be held in a secure mental health facility;

Senator Rick Halford
January 25, 1999
Page 2

AS 47.30.820 provides that the department of Health and Social Services shall examine a committed person each year and provide the results of that examination to the court;

AS 47.30.821 allows for the release of the committed person if it is no longer likely that the person will commit a sexually violent predatory offense if released and for trial on that issue if that likelihood is contested;

AS 47.30.822 provides that the Department of Health and Social Services is responsible for the costs of evaluation and treatment of committed persons; requires the Department of Health and Social Services to adopt regulations to implement this Act; and provides immunity for the state, its officers, and employees for conduct under the Act;

AS 47.30.823 authorizes the Department of Health and Social Services to release any relevant information concerning a sexually violent offender that is necessary to protect the public;

AS 47.30.824 provides definitions.

Section 2 of the bill provides an applicability section.

GPL:jdr:glc
99-035.jdr

1-LS0027D ✓
Luckhaupt
1/26/99

CS FOR SENATE BILL NO. 2(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS HALFORD, Green, Leman, Taylor

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for civil commitment of sexually violent predators."**

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

3 *** Section 1. AS 47.30 is amended by adding new sections to read:**

4 **Article 9A. Commitment of Sexually Violent Predators.**

5 **Sec. 47.30.816. Findings.** The legislature finds that a small but extremely
6 dangerous group of sexually violent predators exist who do not have a mental disease
7 or defect that renders them appropriate for the existing involuntary treatment
8 procedure, AS 47.30.700 - 47.30.815, which is intended to be a short-term civil
9 commitment system primarily designed to provide short-term treatment to individuals
10 with serious mental disorders and then return them to the community. In contrast to
11 persons appropriate for civil commitment under AS 47.30.700 - 47.30.815, sexually
12 violent predators generally have antisocial personality features that are not amenable
13 to existing mental illness treatment methods, and those features render them likely to
14 engage in sexually violent behavior. The legislature further finds that the likelihood
15 of engaging in repeat acts of predatory sexual violence is high among this group. The

1 existing involuntary treatment procedure, AS 47.30.700 - 47.30.815, is inadequate to
2 address the risk to reoffend because during confinement these offenders do not have
3 access to potential victims and, therefore, will not engage in specific overt acts
4 evidencing their risk of harm to others during confinement as required by the
5 involuntary treatment procedure for continued confinement. The legislature further
6 finds that the prognosis for curing this group of sexually violent offenders is poor, the
7 treatment needs of this population are very long term, and the treatment methods for
8 this population are very different than the traditional treatment methods for people
9 appropriate for commitment under the involuntary treatment procedures.

10 **Sec. 47.30.817. Screening and notice to attorney general before release.**

11 (a) When it appears that a person may meet the criteria for a sexually violent
12 predator, the agency with custody shall request a referral examination by the
13 department, and give written notice to the attorney general, three months before the
14 anticipated release from confinement of the person. The criteria to be used by the
15 agency with custody to evaluate a person for referral under this subsection shall be
16 developed by the department in cooperation with the Department of Law and the
17 Department of Corrections.

18 (b) When a referral has been made to the department under (a) of this section,
19 the department shall assemble the person's criminal records, juvenile records, and any
20 other information that is relevant to evaluate the person according to standards adopted
21 by the department for screening a person who may be a sexually violent predator.
22 The standards for screening persons referred under (a) of this section shall be adopted
23 by the department in consultation with the Department of Law and the Department of
24 Corrections. Notwithstanding any other provision of law, all records in the custody
25 of a state agency requested by the department for the referral examination shall be
26 provided to the department. The department shall complete the referral examination
27 within 30 days and shall forward the results of the examination to the agency with
28 custody and to the attorney general. If the department determines that the person may
29 be a sexually violent predator or upon the request of the attorney general, the agency
30 with custody shall provide the following information to the attorney general:

31 (1) information concerning an anticipated plan for employment,