



municipality anticipates difficulty in deciding how long a same-sex relationship must last, whether the partners must reside in the same house, whether the relationship must be of a sexual nature, and when the relationship ends.

We have recognized that administrative efficiency is a legitimate governmental interest.⁴⁷ There is no doubt that making a less-clearly-defined (compared to spouses) category of persons eligible for employment benefits would create administrative burdens. But Alaskas Equal Protection Clause requires more than just a rational connection between a classification and a governmental interest; even at the lowest level of scrutiny, the connection must be substantial.⁴⁸

It is significant that other agencies, political subdivisions, and states provide, or have provided, employment benefits to their employees same-sex domestic partners. The state does not dispute the plaintiffs contention that the University of Alaska does or did so and that it adopted qualifying criteria.⁴⁹ Likewise, other states⁵⁰ and municipalities,⁵¹ including the City and Borough of Juneau,⁵² offer the same health benefits to domestic partners, per their eligibility standards, that they offer to married couples.

We do not assume, as plaintiffs assert, that the state and the municipality can simply adopt the methodology the University of Alaska adopted to administer its programs. The state has many more employees than the university. Nonetheless, that many other agencies, municipalities, and states offer employment benefits to their employees same-sex domestic partners suggests that the governments legitimate administrative concerns can be satisfied. The availability of these benefits elsewhere persuades us that administrative difficulties are not an insurmountable barrier to providing benefits if our constitution requires that they be provided. We therefore conclude that the absolute exclusion of same-sex couples is not substantially related to the goal of maximizing administrative efficiency.

Promotion of marriage. The state and municipality assert that they have a legitimate interest in the promotion of marriage. To support this assertion, the municipality points to the ancient cultural and legal status of marriage and the place of a marriage between one man and one woman as the historic foundation of society. Amicus curiae Alaska Catholic Conference also contends that the promotion of marriage is a legitimate state interest. It cites in support several United States Supreme Court decisions that have recognized the right to marry as involv[ing] interests of basic importance in our society.⁵³ The Supreme Court has also explained that marriage is a social relation subject to the states police power.⁵⁴

We have never considered whether the promotion of marriage is a valid governmental interest.

Plaintiffs argue that whether or not the promotion of marriage is a legitimate governmental interest, the state is not truly interested in promoting marriage, because, if it were, it would not have prevented gays and lesbians from entering into married relationships. This argument has little merit. The state rightly argues that just because the legislature did not want to promote same-sex marriage does not mean it did not have a sincere interest in promoting traditional marriage.

Plaintiffs also challenge the legitimacy of any interest in promoting marriage. They argue that the state and municipality may not assert an interest in promoting married relationships for its own sake. They claim that the government

may not favor a class simply because it favors the class, and that discrimination is never a legitimate interest. That proposition is certainly correct, but the promotion of marriage in and of itself is not necessarily discriminatory. And it is not irrational. Among other things, it can encourage family stability (an undeniably valid public goal), as the Alaska Catholic Conference argues.

As to this issue, plaintiffs true challenge is to the decision to promote family stability among opposite-sex couples but not among same-sex couples. They argue that the social good from family stability in same-sex relationships is just as important and valuable as the social good from stable opposite-sex relationships. Assuming plaintiffs argument is correct, it would not establish that an interest in promoting marriage is not legitimate. Given the social benefits potentially inherent in marriage and the Supreme Courts statement that marriage is subject to state regulation,⁵⁵ we conclude that the promotion of marriage is at least a legitimate governmental interest.

We accept the states contention that providing employment benefits to spouses of its employees may encourage persons to marry or stay married. Such benefits are financially valuable and their availability may be an important or even critical factor to persons deciding whether to marry. But the question here is whether the means chosen to advance the interest are substantially related to the governments interest.

The first part of the chosen means providing a benefit to spouses is directly related to advancing the marriage interest. But the second part of the chosen means restricting eligibility to persons in a status that same-sex domestic partners can never achieve cannot be said to be related to that interest. There is no indication here that denying benefits to public employees with same-sex domestic partners has any bearing on who marries. There is no indication here that granting or denying benefits to public employees with same-sex domestic partners causes employees with opposite-sex domestic partners to alter their decisions about whether to marry. There is no indication here that any of the plaintiffs, having been denied these benefits, will now seek opposite-sex partners with an intention of marrying them. And if such changes resulted in sham or unstable marriages entered only to obtain or confer these benefits, they would not seem to advance any valid reasons for promoting marriage. In short, there is no indication that the programs challenged aspect the denial of benefits to all public employees with same-sex domestic partners has any relationship at all to the interest in promoting marriage. To repeat: making benefits available to spouses may well promote marriage; denying benefits to the same-sex domestic partners who are absolutely ineligible to become spouses has no demonstrated relationship to the interest of promoting marriage.

The municipality raises several other arguments that justify brief response. It asserts that it can properly limit eligibility because the Marriage Amendment sanctions the marriage relationship. We discussed above the effect of the Marriage Amendment and rejected a contention that it altogether forecloses plaintiffs equal protection claims. See Part III.B. Moreover, the marriage relationship sanctioned by the amendment cannot justify unequal treatment unless the means relate to the purpose. No one has suggested that the Marriage Amendment would permit the municipality to double the pay of only its married employees or permit it to hire only married persons.

The municipality seems to imply that accepting the plaintiffs arguments would require defendants to extend marriage benefits to members of other non-traditional marriages, such as persons in polygamous relationships. But polygamy is illegal in Alaska,⁵⁶ as are incestuous relationships.⁵⁷ Even though same-sex domestic relationships are not marriages in Alaska,⁵⁸ they are not illegal. And, following Lawrence v. Texas, they could not be made illegal.⁵⁹ Nothing we hold here would require public employers to extend to members of polygamous or incestuous relationships the employment benefits they provide to their employees spouses.

d. Equal protection conclusion

The governmental interests of cost control, administrative efficiency, and promotion of marriage are legitimate, but the absolute denial of benefits to public employees with same-sex domestic partners is not substantially related to these governmental interests.

In this case, because the programs at issue govern the governments actions in their specific capacities as public employers, rather than in their broader governmental capacities, the programs marital preferences would have difficulty meeting the means-to-end fit requirement unless they had a fair and substantial relationship to the governments roles as public employers. When the state or a political subdivision acts in this capacity, it is subject to the overarching principles set out in article I, section 1, and article XII, section 6, of the Alaska Constitution. Those sections guarantee all Alaskans the rewards of their own industry and require public employment to be based on merit.⁶⁰ Programs allowing the governments to give married workers substantially greater compensation than they give, for identical work, to workers with same-sex partners cut against these constitutional principles yet further no legitimate goal of the governments as public employers. However legitimate these programs broader policy goals may be, then, the means they employ would not be fairly and substantially related to furthering those goals.

We therefore conclude, applying minimum scrutiny, that the challenged programs violate the individual plaintiffs right to equal protection of the law.

D. Trombley v. Starr-Wood Cardiac Group Does Not Control Here.

The state argues that comments we made in Trombley v. Starr-Wood Cardiac Group, P.C.⁶¹ should be dispositive of the constitutional issues now before us.

Trombley did not address constitutional issues. The Trombleys appealed the dismissal of their malpractice claims arising out of Barbara Trombleys medical care. One issue was whether Dale Trombley could bring a loss-of-consortium claim. While Barbara was being treated, she was cohabiting with Dale Trombley but was married to Keith Bradick. Some months later she divorced Bradick and married Dale Trombley. The superior court rejected Dales consortium claim on summary judgment. In considering Dales appellate contention that an unmarried cohabitant could claim loss of consortium, we said that (w)hether spousal consortium claims should be extended to unmarried cohabitants as a general matter is not an easy issue to resolve. There are reasonable arguments on both sides.⁶² We did not decide whether, as a general matter, unmarried cohabitants could ever claim loss of consortium. We instead affirmed the denial of the consortium claim because one of the cohabitants was actually

married to someone else when the alleged malpractice occurred.⁶³

The state contends that it follows from our quoted characterization of the argument limiting consortium claims to legal spouses as reasonable that the legislatures choice in denying employment benefits to unmarried cohabitants must also be reasonable and hence constitutional. It asserts that both areas concern simply the right to receive money.

And of course, because they were not a same-sex couple, nothing prohibited Dale and Barbara from marrying as soon as Barbara divorced her prior spouse. Plaintiffs correctly observe that this court there analyzed distinctions between married heterosexual couples and unmarried heterosexual couples, who can marry. It did not analyze distinctions between heterosexual couples [and] lesbian and gay couples, who cannot marry. (Emphasis in original.) That we stated in dictum that it was reasonable not to allow consortium claims by unmarried cohabitants does not mean that the government can treat unmarried couples of the same sex differently than it treats unmarried couples of the opposite sex.

E. Remedy

Plaintiffs do not contend that finding an equal protection violation would require that the benefits programs themselves must end; they simply seek the same benefits and opportunities potentially available to opposite-sex couples. Only the spousal limitations in the programs are unconstitutional, and they are invalid only to the extent they deny benefits to persons who are absolutely precluded from becoming eligible for those benefits, even though their domestic relationship is not illegal.

Therefore, one possible remedy would be to give the state and the municipality a reasonable opportunity to adopt standards for making these benefits available to persons deemed eligible. Many other public employers now have programs that may be useful models,⁶⁴ and private employers may also.⁶⁵ Having held unconstitutional the exclusion of same-sex couples from access to civil marriage, the Supreme Judicial Court of Massachusetts in *Goddrige v. Department of Public Health*, vacated the departments summary judgment and remanded for entry of judgment consistent with its opinion. But it stayed entry of judgment on remand for 180 days to permit the legislature to take such action as it may deem appropriate in light of this opinion.⁶⁶

Because the parties have not addressed the issue of remedy, or how the state and municipality may comply, we invite supplemental briefing on this issue.

IV. CONCLUSION

We conclude that the public employers spousal limitations violate the Alaska Constitutions equal protection clause. We therefore VACATE the judgment below. After hearing from the parties about the issue of remedy we will REMAND. Until we resolve the issue of remedies, the disputed benefits programs remain in effect.

1 Alaska Const. art. I, 25.

2 Alaska Const. art. I, 1. As the issue is framed in this case, we need not reach any separate question of the independent right to benefits of a same-sex domestic partner of a public employee.

3 Lawrence v. Texas, 539 U.S. 558, 559 (2003) (citing Planned Parenthood of Southeastern Pa. v. Casey, 505 U.S. 833, 850 (1992)).

4 The plaintiffs opening brief states that the benefits available for spouses of state employees include those provided by AS 39.20.360 (death benefits); AS 39.30.090 (life and health insurance); AS 39.35.450 (joint and survivor annuities); AS 39.35.535 (post-retirement health insurance); AS 14.25.010-.220 (benefits for retired teachers); and AS 22.25.010-.900 (benefits for retirees of state judiciary). These statutes do not expressly deny benefits to unmarried domestic partners, but each contains a clause expressly conferring them on an eligible employees spouse. The state refers to such clauses as spousal limitations. We will sometimes use that terminology in this appeal.

No party has identified a Municipality of Anchorage ordinance containing an equivalent spousal limitation, but it is undisputed here that an unmarried domestic partner of a municipal employee is not eligible for employment benefits.

We variously refer to the challenged state statutes and municipal benefit plans as benefits laws or benefits programs.

5 We use the phrases domestic partnership and committed relationship interchangeably to refer to relationships between adult couples who reside together in long-term, interdependent, intimate associations. We use the phrase domestic partners to refer to persons in these relationships. The phrase includes both same-sex and opposite-sex couples. For our purposes, domestic partners also includes all married couples.

6 Section 25 does not contain express words of prohibition, but it confers validity or recognition in Alaska only on a marriage between one man and one woman. It therefore effectively prohibits marriage, or recognition of marriage, between persons of the same sex in Alaska.

AS 25.05.011(a), enacted in 1996, defines marriage. It provides in part: Marriage is a civil contract entered into by one man and one woman

7 Lawrence v. Texas, 539 U.S. 558 (2003).

8 City of Kodiak v. Samaniego, 83 P.3d 1077, 1082 (Alaska 2004); Powell v. Tanner, 59 P.3d 246, 248 (Alaska 2002).

9 Odsather v. Richardson, 96 P.3d 521, 523 n 2 (Alaska 2004).

10 See Reichmann v. State, Dept of Natural Res., 917 P.2d 1197, 1200 & n.6 (Alaska 1996); Sonneman v. Knight, 790 P.2d 702, 704 (Alaska 1990).

11 See Sonneman, 790 P.2d at 704-06.

12 Hickel v. Southeast Conference, 868 P.2d 919, 923 (Alaska 1994); Guin v. Ha, 591 P.2d 1281, 1284 n.6 (Alaska 1979).

13 Alaska Trademark Shellfish, LLC v. State, 91 P.3d 953, 956 (Alaska 2004); State, Commercial Fisheries Entry Commn v. Carlson, 65 P.3d 851, 858 (Alaska 2003).

14 Brandon v. Corr. Corp. of Am., 28 P.3d 269, 275 (Alaska 2001).

15 Alaska Const. art. I, 1.

16 See Alaska Const. art. I, 1; Malabed v. North Slope Borough, 70 P.3d 416, 420 (Alaska 2003) (We have long recognized that the Alaska Constitutions equal protection clause affords greater protection to individual rights than the United States Constitutions Fourteenth Amendment.); Schafer v. Vest, 680 P.2d 1169, 1172 (Alaska 1984) (Burke, C.J., concurring, noting that this textual difference from the Federal Constitution emphasizes that the framers meant all three guarantees).

17 See Alaska Const. art. I, 25.

Alaska voters adopted this amendment in 1998. See Office of the Lieutenant Governor, Alaska Constitution: Alaska Constitutional Amendment Summary, at <http://www.gov.state.ak.us/litgov/akcon/summary.html>. The amendment took effect January 3, 1999. See Brause v. State, Dept of Health & Soc. Servs., 21 P.3d 357, 358 (Alaska 2001).

18 See Owsichek v. State, Guide Licensing & Control Bd., 763 P.2d 488, 496 (Alaska 1988); State v. Ostrosky, 667 P.2d 1184, 1191 (Alaska 1983); Park v. State, 528 P.2d 785, 786-87 (Alaska 1974); Chester James Antieau, Constitutional Construction 2.06, at 18-20 (1982).

19 Antieau, supra note 18, 2.15, at 27; see also Ostrosky, 667 P.2d at 1190 (holding that constitutional amendment cannot, in turn, be challenged as unconstitutional under preexisting clauses in the same document).

20 Explicitly denying benefits to public employees with same-sex domestic partners would arguably offend the Federal Constitution. In Romer v. Evans, 517 U.S. 620 (1996), the United States Supreme Court struck down on federal equal protection grounds an amendment to the Colorado Constitution that repealed all local and statewide laws prohibiting discrimination based on sexual orientation. The Court explained that in addition to merely repealing state and local laws, the amendment prohibits all legislative, executive, or judicial action at any level of state or local government designed to protect the named class . . . Id. at 624. The Court invalidated the amendment under the rational basis standard of judicial review, reasoning that the amendment could not satisfy even the minimal level of scrutiny. Id. at 632. It explained that the amendments disqualification of a class of persons from the right to seek specific protection from the law is unprecedented in our jurisprudence A law declaring that in general it shall be more difficult for one group of citizens than for all others to seek aid from the government is itself a denial of equal protection of the laws in the most literal sense. Id. at 633.

21 See Brooks v. Wright, 971 P.2d 1025, 1028 (Alaska 1999)

(stating that court looks to plain language, purpose, and framers intent in interpreting constitution); *Native Vill. of Flim v. State*, 990 P.2d 1, 5 (Alaska 1999) (same); *Arco Alaska, Inc. v. State*, 824 P.2d 708, 710 (Alaska 1992) (same).

22 Cf. *Bess v. Ulmer*, 985 P.2d 979, 988 n.57 (Alaska 1999) ([A] specific amendment controls other more general [constitutional] provisions with which it might conflict.); *Antieau*, supra note 18, 2.16, at 27-28.

23 *State, Dept of Health & Soc. Servs. v. Planned Parenthood of Alaska, Inc.*, 28 P.3d 904, 909 (Alaska 2001) (footnote omitted) (quoting *Alaska Pac. Assurance Co. v. Brown*, 687 P.2d 264, 271 (Alaska 1984)).

24 *Malabed v. North Slope Borough*, 70 P.3d 416, 420 (Alaska 2003); see also *Stanek v. Kenai Peninsula Borough*, 81 P.3d 268, 272 & n.15 (Alaska 2003).

25 *Malabed*, 70 P.3d at 420-21.

26 *Alaska Inter-Tribal Council v. State*, 110 P.3d 947, 966 (Alaska 2005); *Lawson v. Helmer*, 77 P.3d 724, 728 (Alaska 2003).

27 *Lawson*, 77 P.3d at 728; *Brandon v. Corr. Corp. of Am.*, 28 P.3d 269, 275-76 (Alaska 2001).

28 Cf. *Shearer v. Mundt*, 36 P.3d 1196, 1199 (Alaska 2001).

29 *Beaty v. Truck Ins. Exch.*, 8 Cal. Rptr. 2d 593, 596-97 (Cal. App. 1992); *Hinman v. Dept of Pers. Admin.*, 213 Cal. Rptr. 410, 416 (Cal. App. 1985); *Ross v. Denver Dept of Health & Hosps.*, 883 P.2d 516, 519 (Colo. App. 1994); *Phillips v. Wisconsin Pers. Commn.*, 482 N.W.2d 121, 129 (Wis. App. 1992).

30 Some heterosexual couples, such as consanguineous couples, are also prohibited from marrying and are consequently prevented from obtaining benefits. But in those instances, the relationship itself is illegal, not merely the marriage. AS 11.41.450 classifies incest as a class C felony. No Alaska statute criminalizes homosexual relationships or homosexual conduct between consenting adults, nor could it. See *Lawrence v. Texas*, 539 U.S. 558 (2003). Moreover, as discussed below, just because some other, smaller group of people is also excluded does not mean that the plaintiffs here cannot have a valid claim.

31 See *Tanner v. Oregon Health Scis. Univ.*, 971 P.2d 435, 442-43, 447 (Or. App. 1998) (determining that denial of employment benefits to unmarried domestic partners of employees had disparate impact on homosexuals).

32 *John E. Nowak & Ronald D. Rotunda*, *Constitutional Law* 14.4, at 711 (7th ed. 2004) (emphasis added).

33 *Hamlyn v. Rock Island County Metro. Mass Transit Dist.*, 986 F. Supp. 1126, 1133 (C.D. Ill. 1997); see also *Cook v. Babbitt*, 819 F. Supp. 1, 14 (D.D.C. 1993) (In cases where a law or regulation makes an explicit reference to a suspect characteristic, purposeful discrimination is self-evident, and the measure is subject to challenge on its face without any

evidentiary inquiry into the motives of the relevant government actors.).

34 Personnel Admr v. Feeney, 442 U.S. 256 (1979).

35 Id. at 275.

36 Alaska Const. art. I, 25 (To be valid or recognized in this State, a marriage may exist only between one man and one woman.).

37 See Nowak & Rotunda, *supra* note 32, 14.4, at 711.

38 We recognize that the benefits programs became discriminatory only after the legislature acted in 1996 and 1998 and the electorate adopted the Marriage Amendment in 1998. But, in our view, allowing a discriminatory classification to remain in force is no different than giving it the force of law in the first place.

39 In the case of a facial classification, there is no problem of proof and the court can proceed to test the validity of the classification by the appropriate standard. Nowak & Rotunda, *supra*note 32, 14.4, at 711.

40 Matanuska-Susitna Borough Sch. Dist. v. State, 931 P.2d 391, 396-97 (Alaska 1997) (quoting Alaska Pac. Assurance Co. v. Brown, 687 P.2d 264, 269-70 (Alaska 1984)).

41 Id. at 396.

42 Malabed v. North Slope Borough, 70 P.3d 416, 421 (Alaska 2003) (applying close scrutiny to enactment affecting important interest); State, Dept of Health & Soc. Servs. v. Planned Parenthood of Alaska, Inc., 28 P.3d 904, 909 (Alaska 2001) (observing that strict scrutiny is applied to enactments affecting fundamental rights).

43 Church v. State, Dept of Revenue, 973 P.2d 1125, 1130 (Alaska 1999).

44 Planned Parenthood, 28 P.3d at 909.

45 Matanuska-Susitna Borough, 931 P.2d at 396-97 (quoting Alaska Pac. Assurance, 687 P.2d at 269-70).

46 Planned Parenthood, 28 P.3d at 911 (quoting Isakson v. Rickey, 550 P.2d 359, 362 (Alaska 1976)).

47 Wilkerson v. State, Dept of Health & Soc. Servs., 993 P.2d 1018, 1024 (Alaska 1999); State v. Albert, 899 P.2d 103, 115 (Alaska 1995).

48 See Isakson v. Rickey, 550 P.2d 359, 362 (Alaska 1976) (approving of less speculative, less deferential, more intensified means-to-end inquiry for traditional rational basis test).

49 Under the universitys plan, an employee and the employees partner submit an affidavit stating that they are

financially interdependent partners and meet certain criteria of commitment and dependency. They must meet eight criteria including: having an exclusive personal relationship with each other for at least the last twelve consecutive months and an intention to continue the relationship indefinitely; residing together at the same primary residence for at least the last twelve consecutive months; and intending to reside together indefinitely; considering themselves members of each others immediate family; being responsible for each others common welfare; and sharing financial obligations. They must also attest that they meet at least five of a second set of eight criteria, including: jointly purchasing or leasing real property; jointly owning an automobile; sharing a joint bank or credit account; naming each other as life insurance beneficiaries; and naming each other as primary beneficiaries in each others wills. University of Alaska, Explanation of Availability of Benefits Based on Financially Interdependent Relationship, at <http://info.alaska.edu/hr/forms/PDF/B140-FIPEExplanation.pdf> (last visited June 13, 2003).

50 E.g., Cal. Govt Code 22818, amended by 2005 Cal. Legis. Serv. 418 (West); Or. Admin. R. 101-015-0005(c); Wash. Admin. Code 182-12-260. A more complete list of states that provide health benefits to domestic partners can be found in a database maintained by the Human Rights Campaign. The database can be accessed through the organizations website at <http://www.hrc.org> (last visited October 21, 2005).

51 According to the Human Rights Campaigns database, 130 cities and counties offer domestic partner benefits. As of October 21, 2005, the cities and counties included, for example, Atlanta, Broward County, Chicago, Denver, and New York City. See Atlanta, Ga., Code of Ordinances 2-858; Broward County, Fl., Code 16 1/2-156; Chicago, Ill., Municipal Code ch. 2-152-072; Denver, Co., Rev. Municipal Code 18.321(4)-18.328; New York City, N.Y., Administrative Code 3-244(f).

52 See http://www.juneau.lib.ak.us/cbj/risk_management/pdfs/2005/EnrollmentGuide2005.pdf (last visited June 6, 2005).

53 *Boddie v. Connecticut*, 401 U.S. 371, 376 (1971); see also *Loving v. Virginia*, 388 U.S. 1, 12 (1967) (describing marriage as one of the vital personal rights essential to the orderly pursuit of happiness by free people); *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535, 541 (1942) (one of the basic civil rights of man); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923) (essential to the orderly pursuit of happiness).

54 *Loving*, 388 U.S. at 7; *Maynard v. Hill*, 125 U.S. 190, 205 (1888) (Marriage, as creating the most important relation in life, as having more to do with the morals and civilization of a people than any other institution, has always been subject to the control of the legislature.).

55 See *Loving*, 388 U.S. at 7.

56 AS 11.51.140.

57 AS 11.41.450.

58 Alaska Const. art. I, 25.

59 Lawrence v. Texas, 539 U.S. 558, 567 (2003) (holding that states may not criminalize private, consensual homosexual relations).

60 Alaska Const. art. I, 1 (This constitution is dedicated to the principle[] that all persons have a natural right to . . . the enjoyment of the rewards of their own industry. . . .); Alaska Const. art. XII, 6.

61 Trombley v. Starr-Wood Cardiac Group, P.C., 3 P.3d 916 (Alaska 2000).

62 Id. at 923 (emphasis added).

63 Id.

64 See supra notes 49-52.

65 According to the Human Rights Campaigns database, 247 Fortune 500 companies offer domestic partner benefits. The database can be accessed through the organizations website at <http://www.hrc.org> (last visited October 21, 2005).

66 Goodridge v. Dept of Pub. Health, 798 N.E.2d 941, 969-70 (Mass. 2003); see also Baker v. State, 744 A.2d 864, 886 (Vt. 1999). In Baker, the Vermont Supreme Court deferred to the prerogatives of the legislature to craft an appropriate means of addressing this constitutional mandate. It therefore left the current statutory scheme in effect for a reasonable period of time to enable the Legislature to consider and enact implementing legislation in an orderly and expeditious fashion. Id. at 887.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 2
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title Constitutional Amendment relating to marriage RDU Elections
 Component Elections
 Sponsor Representative Coghill
 Requester House Judiciary Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

If this amendment appears on the 2006 ballot, the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58 is \$1.5. Should the addition of this question require printing an 8 1/2 by 18 inch ballot the cost will increase to \$22.0.

Prepared by: Whitney Brewster, Director
 Division: Division of Elections
 Approved by: Whitney Brewster, Director
 Agency: Office of the Lt. Governor, Division of Elections

Phone 465-2644
 Date/Time 3/13/2006, 11:12am
 Date 3/13/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 32
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: ALL
 Title Proposing an amendment to the section of the RDU All RDUs
Constitution of the State of Alaska relating to marriage Component All Components
 Sponsor Coghill, Lynn, Kelly
 Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would not have a significant impact on any state agency.

Prepared by: John Boucher Phone 465-4677
 Division: Governor's Office of Management and Budget Date/Time 3/28/2006 4:00pm
 Approved by: Cheryl Frasca, Director Date 3/28/2006
 Agency: Governor's Office of Management and Budget

SB

12



SENATOR FRED DYSON

SPONSOR STATEMENT

H CS CS SB 12 (STA)—*“An Act relating to procurement from a person conducting business in or having headquarters in countries that support or ignore slavery and trafficking in persons.”*

Trafficking is considered modern-day slavery. The U.S. State Department believes that as many as 4 million people, mostly women and children, are trafficked for sexual or labor purposes each year, with as many as 1 million trafficked across international borders. Many are kidnapped or sold into bondage, and many others are tricked with false promises. This international plague is a \$7 billion industry, mainly interwoven in organized crime.

The federal government has recently begun an aggressive campaign to combat trafficking in persons. In the annual Trafficking in Persons Report, the State Department evaluates the standards set in foreign countries in order to fight trafficking. The countries with the most permissive climate for trafficking are listed in Tier III of the report and are then subject to non-humanitarian and non-trade sanctions.

Regarding the status of trafficking in Alaska, the Special Crimes Unit of the Anchorage Police Department reports that sex trafficking rings currently exist in Alaska. In some instances, law enforcement personnel have identified massage parlors that are part of a sex trafficking network that takes advantage of vulnerable women from Asia. Also, runaways are also lured into and then trapped into the sex trafficking industry. Sometimes, these women are shuttled back and forth with our Canadian neighbors.

SB 12 amends the state procurement code to direct the Legislature, the Court System, and the Executive Branch to prohibit or eliminate financial relationships with organizations that are headquartered in countries with the most permissive climate for human trafficking. Alaskan agencies may also restrict relationships with organizations that conduct business in, but are not necessarily headquartered in, countries listed in Tier III.

2005 Trafficking in Persons Report: <http://www.state.gov/g/tip/rls/tiprpt/2005/>
Office to Monitor and Combat Trafficking in Persons: <http://www.state.gov/g/tip/>
Trafficking Victims Protection Act of 2000: <http://www.state.gov/documents/organization/10492.pdf>
Trafficking Victims Protection Reauthorization Act of 2005: http://trwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:h972enr.txt.pdf



FACTS ABOUT HUMAN TRAFFICKING

What is human trafficking?

Trafficking in persons is modern-day slavery, involving victims who are forced, defrauded or coerced into labor or sexual exploitation. Annually, about 600,000 to 800,000 people—mostly women and children—are trafficked across national borders which does not count millions trafficked within their own countries.

People are snared into trafficking by many means. In some cases, physical force is used. In other cases, false promises are made regarding job opportunities or marriages in foreign countries to entrap victims.

What impact does human trafficking have on the world?

Human trafficking is a multi-dimensional threat: it deprives people of their **human rights** and freedoms, it is a **global health risk**, and it fuels the growth of **organized crime**.

Human trafficking has a devastating impact on individual victims, who often suffer physical and emotional abuse, rape, threats against self and family, passport theft, and even death. But the impact of human trafficking goes beyond individual victims; it undermines the safety and security of all nations it touches.

What is the United States doing to stop trafficking?

Trafficking impacts many nations, including the United States. That's why the U.S. Government has taken a number



Convicted Macedonian trafficker



Abused children in South Asia

of serious and significant actions to combat trafficking occurring at home. A few examples of American efforts include:

- Congress passed legislation so Americans who sexually prey on children abroad can be prosecuted and sentenced to as many as 30 years in prison.
- The Department of Justice has focused on increasing the number of trafficking victims rescued and the number of prosecutions and convictions of traffickers.
- The Department of Health and Human Services (HHS) is certifying trafficking victims so they may qualify for the same assistance available to refugees. HHS is also running a major public awareness campaign to alert victims in the U.S. that help is available through the hotline number 888.3737.888.
- The Department of Defense has implemented a zero-tolerance stand against any actions by Defense personnel that contribute to human trafficking and is instituting a service-wide mandatory training program.
- The Departments of Labor and Homeland Security, USAID, and other government agencies are executing action plans to combat human trafficking.

What is the U.S. doing to help other countries?

Because human trafficking is transnational in nature, partnerships between countries are critical to win the fight against

modern-day slavery. The U.S. is reaching out to other countries in a number of important ways:

- In a speech to the United Nations General Assembly, President Bush raised the issue of human trafficking and asked leaders of the world to work together to end it.
- The State Department is working extensively with governments on action plans for prevention, protection of victims, and prosecution.
- Congress last year strengthened anti-trafficking legislation and provided more than \$70 million in funding worldwide for efforts to end slavery. The U.S. is providing money around the world for:
 - Rehabilitation and work training centers for victims
 - Special housing shelters for victims
 - Law enforcement training and legal reform assistance
 - Information and awareness campaigns
 - Voluntary repatriation for displaced victims
 - Training for immigration officials, medical personnel and social workers
 - Combating sex tourism
 - Rescuing victims from slave-like situations

What needs to be done?

When dealing with an issue of this importance and urgency, there is much to be done. The U.S. is asking governments to immediately take action to step up their anti-trafficking efforts:

- There is a critical need for **increased rescues of trafficking victims and prosecutions of traffickers.**
- People freed from slavery must be treated as **victims of crime, not criminals.**
- The **demand for modern-day slaves must be stopped.** This is not a victimless or harmless crime, and the public should be informed of the risks involved with it.

What are the Trafficking Victims Protection Act and the Trafficking in Persons Report?

Congress passed the Trafficking Victims Protection Act (TVPA) in 2000 and strengthened it in 2003. This law provides tools for the U.S. to combat trafficking in persons, both domestically and abroad.

One of the key components of the law is the creation of the *Trafficking in Persons Report*. The Department of State produces this annual report assessing government response in each country with a significant number of victims of severe forms of trafficking in persons. Countries in the annual report are rated in tiers, based on government efforts to combat trafficking.

What do the tiers of the Trafficking in Persons Report mean?

- **Tier 1:** Countries that fully comply with the act's minimum standards for the elimination of trafficking.
- **Tier 2:** Countries that do not fully comply with the minimum standards but are making significant efforts to bringing themselves into compliance.
- **Tier 2 Watch List:** Countries on Tier 2 requiring special scrutiny because of a high or significantly increasing number of victims; failure to provide evidence of increasing efforts to combat trafficking in persons; or an assessment as Tier 2 based on commitments to take action over the next year.
- **Tier 3:** Countries that neither satisfy the minimum standards nor demonstrate a significant effort to come into compliance. Countries in this tier are subject to potential non-humanitarian and non-trade sanctions.

For more information, please log on to the Web site of the State Department's Office to Monitor and Combat Trafficking in Persons at www.state.gov/g/tip.



I'm not a tourist attraction

Stop child sex tourism.



What Do the Tiers of the Trafficking in Persons Report Mean?

Office to Monitor and Combat Trafficking in Persons
Washington, DC
June 3, 2005

Tier 1	Countries that fully comply with the <i>The Trafficking in Persons Act's minimum standards for the elimination of trafficking</i> .
Tier 2	Countries that do not fully comply with the minimum standards but are making significant efforts to bring themselves into compliance.
Tier 2 Watch List	Countries on Tier 2 requiring special scrutiny because of a high or significantly increasing number of victims; failure to provide evidence of increasing efforts to combat trafficking in persons; or an assessment as Tier 2 based on commitments to take action over the next year.
Tier 3	Countries that neither satisfy the minimum standards nor demonstrate a significant effort to come into compliance. Countries in this tier are subject to potential non-humanitarian and non-trade sanctions.

TIER PLACEMENTS

TIER 1

AUSTRALIA	DENMARK	LUXEMBOURG	POLAND
AUSTRIA	FRANCE	MOROCCO	PORTUGAL
BELGIUM	GERMANY	NEPAL	SOUTH KOREA
CANADA	HONG KONG	THE NETHERLANDS	SPAIN
COLOMBIA	ITALY	NEW ZEALAND	SWEDEN
CZECH REPUBLIC	LITHUANIA	NORWAY	UNITED KINGDOM

TIER 2

AFGHANISTAN	EGYPT	LAOS	SENEGAL
ALBANIA	EL SALVADOR	LATVIA	SERBIA-MONTENEGRO
ALGERIA	EQUATORIAL GUINEA	LEBANON	SINGAPORE
ANGOLA	ESTONIA	LIBYA	SLOVENIA
ARGENTINA	ETHIOPIA	MACEDONIA	SRI LANKA
BANGLADESH	FINLAND	MADAGASCAR	SWITZERLAND
BELARUS	GABON	MALAWI	SYRIA
BOSNIA/HERZ.	GEORGIA	MALAYSIA	TAIWAN
BRAZIL	GHANA	MALI	TAJIKISTAN
BULGARIA	GUATEMALA	MAURITANIA	TANZANIA
BURKINA FASO	GUYANA	MOLDOVA	THAILAND
BURUNDI	HONDURAS	MONGOLIA	TURKEY
CHAD	HUNGARY	MOZAMBIQUE	UGANDA
CHILE	INDONESIA	NIGERIA	URUGUAY
CONGO (DRC)	IRAN	OMAN	VIETNAM
COSTA RICA	ISRAEL	PAKISTAN	YEMEN
COTE D'IVOIRE	JAPAN	PANAMA	ZAMBIA
CROATIA	KAZAKHSTAN	PARAGUAY	
CYPRUS	KENYA	PERU	
EAST TIMOR	KYRGYZ REPUBLIC	ROMANIA	

TIER 2 WATCH LIST

ARMENIA	DOMINICAN REP.	MEXICO	SLOVAK REPUBLIC
AZERBAIJAN	THE GAMBIA	NICARAGUA	SOUTH AFRICA
BAHRAIN	GREECE	NIGER	SURINAME
BELIZE	GUINEA	PHILIPPINES	UKRAINE
BENIN	HAITI	RUSSIA	UZBEKISTAN
CAMEROON	INDIA	RWANDA	ZIMBABWE
CHINA (PRC)	MAURITIUS	SIERRA LEONE	

TIER 3

BOLIVIA	ECUADOR	QATAR	UNITED ARAB EMIRATES
BURMA	JAMAICA	SAUDI ARABIA	VENEZUELA
CAMBODIA	KUWAIT	SUDAN	
CUBA	NORTH KOREA	TOGO	



Frank H. Murkowski
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

December 13, 2005

ADMINISTRATIVE ORDER NO. 227

I, Frank H. Murkowski, Governor of the State of Alaska, under the authority of art. III, secs. 1 and 24, of the Alaska Constitution, order all principal departments of the executive branch of state government, for procurement functions under the direction of the chief procurement officer in the Department of Administration, to ensure that future solicitations and resulting contracts for goods or services, and future contract amendments, are, to the extent consistent with federal and state law, not entered into with any company that is established and headquartered, or incorporated and headquartered, in a country categorized as "Tier 3" in the most recent United States Department of State's Trafficking in Persons Report, unless the company has a current company policy against human trafficking. The most current edition of the Trafficking in Persons Report published by the United States Department of State is available on the following website: <http://www.state.gov/g/tip/>.

BACKGROUND AND PURPOSE

A country categorized by the United States Department of State as a "Tier 3" country in its Trafficking in Persons Report is one whose government does not fully comply with United States minimum standards for the elimination of human trafficking, and is not making significant efforts to do so.

The award of, or amendment to, a State of Alaska contract to or with a company that is established and headquartered, or incorporated and headquartered, in a Tier 3 country, and that does not have a company policy against human trafficking in place, may result in state money directly or indirectly providing financial support to a Tier 3 country, thus enabling the continuation of human trafficking operations.

The purpose of this Administrative Order is to ensure that the State of Alaska does not provide support, directly or indirectly, to a Tier 3 country through state-financed contracts procured under the State Procurement Code (AS 36.30).

GENERAL PROVISIONS

By this Order, I am instructing the state's chief procurement officer, to the extent authorized by law, to undertake the following:

1. implement policies and procedures, and regulations if necessary, pertinent to this Order, including the consideration of the award of state contracts to a company established and headquartered, or incorporated and headquartered, in a Tier 3 country, and the imposition of a requirement that any vendor whose company is established and headquartered, or incorporated and headquartered, in a Tier 3 country must, as part of the response to any solicitation for a state contract, submit a certified copy of its company's policy regarding human trafficking;
2. amend future solicitations and state standard contracts to require vendors whose company is established and headquartered, or incorporated and headquartered, in a Tier 3 country, to disclose that fact to the State of Alaska;
3. require any vendor whose company is established and headquartered, or incorporated and headquartered, in a Tier 3 country to submit to the State of Alaska, before contract award or contract amendment, as appropriate, the company's policy against human trafficking.

DEFINITIONS

In this Order,

1. "human trafficking" includes the offenses specified in the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), as amended by the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193);
2. "Tier 3 country" means a country categorized as a Tier 3 country in the most current version of the Trafficking in Persons Report issued by the United States Department of State.

This Order takes effect immediately.

DATED at Juneau, Alaska, this 13th day of December, 2005.

/s/Frank H. Murkowski
Governor

WWW.GOV.STATE.AK.US

Administrative Orders 201-present | Contact the Governor | Webmaster | State of Alaska

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: HCS CSSB 12(STA)
 (H) Publish Date: 4/12/06

Revision Date/Time (Note if correction): 4/10/06 9:00 a.m. Dept. Affected: Administration
 Title An Act relating to financial relationships with RDU Centralized Administrative Services
business in countries that support ... slavery Component Purchasing
 Sponsor Senator Dyson
 Requester (H) STA Component No. 60

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill is an Act relating to the financial relationships with persons conducting business in or having headquarters in countries that support or ignore slavery and trafficking in persons. The bill requires regulations to prohibit or eliminate financial relationships with a person that has headquarters in a country listed in Tier 3 of the most recent Trafficking in Persons Report published by the United States Secretary of State under 22 U.S.C 7107(b)(1)(C). The bill encourages the same regulations for persons that conduct business in such countries that do not have headquarters there.

Bill has zero fiscal impact.

Prepared by: Remond Henderson, Deputy Director Phone 465-5687
 Division General Services Date/Time 4/10/06 9:00 AM
 Approved by: Michael Tibbles Date 4/10/2006
 Agency Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: HCS CSSB 12(STA)
 (H) Publish Date: 4/12/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
 Title: "An Act relating to the prohibition or
elimination of financial relationships with persons that..." BRU: Legislative Council
 Sponsor: "Senators Dyson, Davis, French, Bunde..." Component: Council and Subcommittees
 Requestor: Senate State Affairs Component No.: 783

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency. Any costs to amend the procurement procedures of the Legislature will be absorbed within existing budgets.

Prepared by: Karla Schofield, Deputy Director
 Division: Administrative Services
 Approved by: Pamela Varni, Executive Director
 Agency: Legislative Affairs Agency

Phone 465-6626
 Date/Time 4/10/06 1:23 PM
 Date 4/10/2006



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Alaska suspects plead guilty in Russian sex trade case

WASHINGTON (CNN) -- The Justice Department has obtained guilty pleas from three men on charges of illicitly bringing Russian girls and women to work as nude dancers in Anchorage, Alaska.

The three are accused of fraudulently obtaining visas for two minors, age 16, and four older Russian women who were brought to the United States in December 2000.

Federal officials say the guilty pleas were entered Wednesday at the U.S. District Court in Anchorage.

The Immigration and Naturalization Service took custody of the women in January and gave them temporary legal immigration status while the case proceeds. The women are still in the United States.

The men -- Victor Nikolayevich Virchenko, Pavel Vasilievich Agafonov and Tony Kennard -- all pleaded guilty in federal district court to six counts of immigration fraud.

Kennard also pleaded guilty to two counts of transporting minors for illegal sexual activity. Agafonov and Virchenko pleaded guilty to one count of transporting minors for illegal sexual activity.

Kennard is a U.S. citizen, Agafonov is a naturalized U.S. citizen, and Virchenko is a Russian national.

The maximum statutory punishment is 15 years in custody and a fine of \$250,000 for each felony count of transporting minors for illegal sexual activity, and 10 years in custody and a fine of \$250,000 for each felony count of immigration fraud.

Sentencing for all three men is scheduled for August 24.

Find this article at:

<http://archives.cnn.com/2001/LAW/06/14/sex.trafficking>

Check the box to include the list of links referenced in the article.



United States Attorney's Office
District of Alaska
222 West 7th Avenue, #9
Anchorage, Alaska 99513-7567

FOR IMMEDIATE RELEASE

November 22, 2004

Contact: Frank Russo
Assistant U.S. Attorney
907-271-5071 / Fax: 271-2345

Anchorage, Alaska - Anchorage businessman Josef F. Boehm, 60, pleaded guilty today to conspiring to provide crack cocaine to underage Anchorage and Mat-Su teenagers in exchange for sexual favors. Boehm pleaded guilty to the top charge in the indictment, conspiring to distribute over 50 grams of crack cocaine to persons under 21 years of age. Boehm also admitted to conspiring to commit the crime of sex trafficking of children. Under the terms of the agreement, Boehm may be sentenced to more than 11 years in jail. Under federal sentencing guidelines, there is no parole. Boehm also agreed to forfeit his Oceanview home, where many of the activities alleged in the indictment took place.

The agreement also requires that Boehm pay restitution in the amount of \$1.2 million dollars into a trust fund for the benefit of the victims of his criminal conduct. The trust fund will allow victims to be compensated for expenses related to drug treatment, counseling, and related expenses incurred as a result of their victimization at the hands of Boehm and his co-defendants. In addition, the trust fund can be used to pay for educational and professional training expenses for the victims, which would not have been otherwise available under federal statutes if Boehm had been convicted after trial. Boehm will be required to fund the trust on or before his sentencing, scheduled to take place on February 11, 2005. Co-defendants Allen Bolling, 40, Leslie J. Williams, 40, and Bambi Tyree, 23 have pled guilty and are scheduled to be sentenced on January 21, 2005.

"This plea agreement achieves the best of all possible worlds for the interests of justice and for the young victims in this case. Boehm will receive a substantial sentence without the risks associated with a lengthy trial and appeals, which Boehm has agreed to waive. Young victims also avoid the traumatic experience of having to testify about their exploitation, and will have prompt access to resources that will help them," said United States Attorney Tim Burgess.

Burgess added, "Usually, when people commit crimes, the best the criminal justice system can do is punish the offender and occasionally have him repay the out of pocket expenses of the victims. This plea not only does that, but attempts to give the victims future opportunities for treatment, counseling, and even an education."

The case was investigated by the Anchorage Police Department and the Federal Bureau of Investigation. The prosecution was a joint effort of the United States Attorney's Office and the Child Exploitation and Obscenity Section of the Department of Justice.

###

SB

20

FISCAL NOTE

STATE OF ALASKA
200⁶ LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB20CG(2d JUD)-CRI-2-21-
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act relating to offenses against unborn RDU Statewide Support
children Component Alaska Criminal Records
 Sponsor Senator Dyson and Identification
 Requester House Judiciary Committee Component No. 1190

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill creates new sections in Title 11 regarding unborn children and the crimes of manslaughter, criminally negligent homicide, and assault.

This bill will require updates to the Uniform Offense Citation Table (UOCT), the list of criminal offenses that is maintained by the Department of Public Safety and used by many agencies. However, this is routine maintenance, and will not result in any fiscal impact on the Department.

Prepared by: Director David Schade
 Division: Statewide Services
 Approved by: Commissioner William Tandeske
 Agency: Department of Public Safety

Phone 907-269-0202
 Date/Time 2/21/06 1:13 PM
 Date 2/21/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB020(JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): 3/11/06 / 9:30 a.m. Dept. Affected: Administration
 Title An act relating to offenses against unborn children. RDU Legal and Advocacy Services
 Component Public Defender Agency
 Sponsor Senator Dyson
 Requester (H) JUD Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation creates numerous felony offenses for death or harm done to unborn child. To the extent individuals may be charged with offenses under this legislation that would not have been previously charged, this would increase appointments to the Agency and have a fiscal impact. It is, however, not possible to predict with any accuracy any such increase in cost; thus an indeterminate fiscal note is submitted.

Prepared by: Quinlan Steiner, Director
 Division: Public Defender Agency
 Approved by: Mike Tibbles, Deputy Commissioner
 Agency: Administration

Phone (907) 334-4414
 Date/Time 3/11/06 / 9:30 a.m.
 Date 3/13/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 20 (JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): 3/10/06 / 10:40 a.m. Dept. Affected: Administration
 Title: An act relating to offenses against unborn children. RDU: Legal and Advocacy Services
 Component: Office of Public Advocacy
 Sponsor: Senator Dyson
 Requester: (H) JUD Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Service	*	*	*	*	*	*
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—Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation creates numerous felony offenses for death or harm done to unborn child. To the extent individuals may be charged with offenses under this legislation that would previously not had been charged, this may increase appointments to OPA and have a fiscal impact on the agency. However, it is not possible to predict with any accuracy any such increase in cost; thus an indeterminate fiscal note is submitted.

Prepared by: Joshua P. Fink, Director Phone (907) 269-3500
 Division: Office of Public Advocacy Date/Time 3/10/06 at 10:40 a.m.
 Approved by: Mike Tibbies, Deputy Commissioner Date 3/13/2006
 Agency: Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB20(2dJUD)-Courts-3-13-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Offenses Against Unborn Children RDU Alaska Court System
 Component Trial Courts
 Sponsor Senator Dyson Component No. _____
 Requester _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of CSSB20(2d JUD). This bill creates new crimes against unborn children. Although these new crimes will likely result in new or enhanced prosecutions coming before the court system, absent evidence that there will be a significant number of these cases the court will be able to address them with existing resources.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 3/13/06 @ 3:30 pm
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 3/13/2006
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 20 (2d JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title "An Act relating to offenses against unborn children." RDU Institutional Facilities
 Component Institution Director's Office
 Sponsor Senator Dyson
 Requester House Judicial Component No. 524

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type—Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Due to the small number of potential criminal cases that may be impacted by the proposed changes in the bill, passage of this legislation is not expected to have a significant fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director Phone (907) 465-3339
 Division Administrative Services Date/Time 2/14/06 12:12 PM
 Approved by: Portia C.K. Parker, Deputy Commissioner Date 2/14/2006
 Agency Department of Corrections



SENATOR FRED DYSON

SPONSOR STATEMENT

SB 20—*"An Act relating to offenses against unborn children."*

In recent years, several high-profile cases from across the nation have highlighted the need for laws protecting unborn victims of criminal violence. Perhaps, most notably, the tragic deaths of Laci and Conner Peterson have focused much-needed attention on this critically important issue. Currently, thirty states provide some degree of protection for unborn victims of violence. Many legal challenges have been brought against state unborn victims laws, based on Roe and other constitutional arguments, but state and federal courts have rejected all such challenges.

Recently, a publicized case in Michigan has the citizens of the state closely evaluating Michigan laws and the related ethical implications. A 16 year old, who was entitled to get a legal abortion, had her boyfriend beat her stomach with a miniature baseball bat over the course of three weeks until she miscarried the baby. A similar scenario is playing out in the State of Texas.

SB 20 amends the Alaska Criminal Code to afford protection to an unborn child at a level that is reasonably equivalent to protection afforded to live born persons in comparable circumstances. Nothing in this law shall apply to legal abortion or to usual and customary medical practice related to pregnancy. This bill also defines "unborn child" within the criminal statutes.

In 2004, the U.S. Congress passed the Unborn Victims of Violence Act, and President Bush subsequently signed the bill into law. This federal law recognizes that when a person attacks a pregnant woman, and injures or kills her unborn child, the attacker has harmed two victims. It is narrowly drafted in that it only applies when death or injury of an unborn child is the result of a federal crime. The federal act does not supersede state unborn victim laws, nor does it impose such a state law on a state, like Alaska, that has not yet acted.

Pregnant women who have been harmed by violence, and their families, know that there are two victims -- the mother and the unborn child -- and that both victims should be protected by law. Pregnant women are already protected by Alaska Criminal Code. SB 20 affords similar protection to unborn victims.

Updated 3/17/05

Section 1: A new section:

- 11.41.150 Defines Murder of an unborn child that contains the elements of criminal code applicable to First and Second Degree murder. Murder of an unborn child is established as an unclassified felony.
- 11.41.160 Defines Manslaughter of an unborn child and establishes it as a Class A felony.
- 11.41.170 Defines Criminally negligent homicide of an unborn child and establishes it as a Class B felony.
- 11.41.180 Exempts the applicability of this Section to legal abortion and medical treatment related to pregnancy.

Section 2: A new section:

- 11.41.280 Defines Assault of an unborn child in the first degree and establishes it as a Class A felony.
- 11.41.282 Defines Assault of an unborn child in the second degree and defines it as a Class B felony.
- 11.41.289 Exempts the applicability of this Section to legal abortion and medical treatment related to pregnancy.

Section 3: Amends AS 11.81.250(a) to include "Murder of an unborn child" in the list of other serious crimes that are considered unclassified for purposes of sentencing.

Section 4: Amends AS 11.81.250(b) to include "Murder of an unborn child" in the list of other serious unclassified crimes that is exempted from being classified in the section that defines them.

Section 5: Defines "unborn child" to mean a member of the species Homo sapiens, at any stage of development, who is carried in the womb.

Section 6: Amends 12.55.035(b) to include "Murder of an unborn child" in the list of other unclassified crimes for purposes of setting a guideline for fines.

Section 7: Amends 12.55.125(a) to include "Murder of an unborn child" as defined in AS 11.41.150(a)(1) with murder in the first degree for purposes of determining the imprisonment guideline for sentencing.

Section 8: Amends 12.55.125(b) to include "Murder of an unborn child" as defined in AS 11.41.150(a)(2)-(4) with murder in the second degree for purposes of determining the imprisonment guideline for sentencing.

Definitions

A person acts "**intentionally**" with respect to a result described by a provision of law defining an offense when the person's conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person's only objective;

A person acts "**knowingly**" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance;

A person acts "**recklessly**" with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk;

A person acts with "**criminal negligence**" with respect to a result or to a circumstance described by a provision of law defining an offense when the person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

"**extreme indifference**" Undefined and used only for second degree murder and first degree assault, both times in reference to the value of human life.

"**serious physical injury**" means (A) physical injury caused by an act performed under circumstances that create a substantial risk of death; or (B) physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy.

"**dangerous instrument**" means any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury;

SB

36

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 28, 2005

SUBJECT: Registrars (HCS CSSB 36(JUD),
Work Order No. 24-LS0123\X)

TO: Representative Lesil McGuire
Chair, House Judiciary Committee
Attn: Vanessa Tondini

FROM: Kathryn L. Kurtz *KK*
Legislative Counsel

Enclosed is the committee substitute you requested. In moving the intent provision into permanent law, "Nothing in this Act" was changed to read "However, nothing in this subsection."

As you requested, we have inserted the word "registrar" at page 1, line 12.

Questions:

1) The term "registrar" is used in only one other place in the Alaska Elections Code (AS 15), AS 15.07.064(e)(1), and is perhaps not the best word choice there. Did the committee mean "registration official",¹ or perhaps "absentee voting official" (see AS 15.20.045)?²

¹ AS 15.60.010(30) provides: "registration official" includes an employee of the division of elections when performing the task of voter registration and a person appointed to serve as a registration official in accordance with AS 15.07.081 or 15.07.100." *See also* AS 15.07.081, and 15.07.100, AS 15.07.050, and 15.07.055.

² AS 15.20.045(a) provides:

(a) The director or election supervisor may designate persons to act as absentee voting officials under AS 15.20.010 - 15.20.220 in areas where election supervisors do not have offices. Magistrates may, with the approval of the administrative director of the Alaska Court System, be designated under this section. At least 15 days before the election the director shall supply each absentee voting official with appropriate ballots.

Representative Lesil McGuire

April 28, 2005

Page 2

2) Did the committee intend to create new authorization for these individuals to accept applications for absentee voting by mail or electronic transmission?

KLK:lmb

05-159.lmb

Enclosure

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Nancy Dahlstrom
Rep. Pete Kott
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: April 27, 2005
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 24-LS0123\S, SB 36, incorporating the attached two amendments. The bill was passed out of committee today.

If you have any questions, please call me at 4990.
Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 17, 2005

SUBJECT: Use of Intent Language as Interpretive Aid
(HCS for CSSB 36(STA))

TO: Representative Paul Seaton
Chair of the House State Affairs Committee
Attn: Louie Flora

FROM: Kathryn L. Kurtz *KLK*
Legislative Counsel

Enclosed is the final version of HCS CSSB 36 passed from your committee.

The committee added conceptual intent language specifying how a portion of the codified language in the bill is to be interpreted. This intent language will not be legally binding. At most it may serve as an interpretive aid for a court. Because it is not codified, it will remain invisible to most individuals trying to use and interpret the statute.

As a matter of good drafting, we would strongly recommend including the committee's interpretive language in the portion of the bill that is to be codified, rather than as intent language. See Manual of Legislative Drafting at 14.

KLK:j-d
05-165.jad

Enclosure

A#1
by
Gruenberg
PASSED

Amendment #2 - PASSED
to HCS CSDB 36 (SIA) by Rep. Gara

Page 2, Line 7

After "voter"
Insert "or registrar"

Amendment #3 - FAILED
by Rep. Gara

to HB 88B § 6 (8A)

Delete Section 3.

AMENDMENT - not offered

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: HCS CSSB 36(STA)

Page 3, following line 4

Insert a new bill section to read:

**** Sec. 5. AS 15.20.081 is amended by adding a new subsection to read:**

(k) No person other than the absentee ballot applicant may mark the applicant's choice of party affiliation or primary ballot on an application, or highlight or otherwise mark the ballot in a way that suggests choice of one party or ballot over another, except as follows:

(1) party affiliation and ballot choices may be listed in an application as authorized by the Division, and

(2) the applicant may expressly, either in writing or by other communication, authorize another person to assist them by marking these portions of the application."

Renumber the following bill sections accordingly.

Alaska State Legislature

SENATOR
GENE THERRIALT

Mailing Address

119 N Cushman Suite 101

Fairbanks, Alaska 99701

(907) 488-0857

Fax (907) 438-4271



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax (907) 465-3884
SENATE DISTRICT F

Memorandum of Request

To: Rep. Lesil McGuire / Chair House Judiciary Committee
From: Senator Gene Therriault *Les L McGuire*
Date: March 21, 2005
Re: SB 36

.....
I respectfully request that SB 36, "An Act Relating to absentee ballots" be scheduled for a hearing at your earliest convenience

Thank you.

Alaska State Legislature

SENATOR
GENE THERRIALT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-2711



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
SENATE DISTRICT F

Senate Bill 36

Sponsor Statement

Senate Bill 36 has been drafted to address a concern that manifested itself in the 2004 general election. This concern sprang from the decision of the Alaska Democratic Party to have individual absentee ballot requests mailed back to the political party office instead of directly to the Division of Elections. This action resulted in sensitive personal data being made available to a political party apparatus without express consent. Although there is no clear evidence of illegal action or wrongdoing, individual Alaskans should not feel that their privacy is under attack just because they wish to participate in a regularly scheduled election.

SB 36 requires that all absentee ballot requests be delivered directly to the Division of Elections for confidential processing. The act further prohibits a political group or political party from assisting or encouraging the violation of the new law.

SB 36 allows for all citizens and groups in Alaska to encourage participation in our election process through the use of absentee ballots. However, once a person decides to request an absentee ballot, they have every right to assume that only non-partisan personnel at the Division of Elections will handle their request.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gene Therriault
Current Version: CSSB 36 (JUD)
Contact: Dave Stancliff, 465-4797

Fact Sheet for: Senate Bill 36

Short Title: ABSENTEE BALLOT APPLICATIONS

Summary:

- Requires that requests for absentee ballots by mail be submitted directly by the absentee voter to the division of elections.
- Prohibits a person from encouraging or assisting in a violation of this requirement.
- Requires adoption of regulations to:
 - Restrict requested information to only that required by the Division of Elections on ballot applications sent out by other entities.
 - Ensure all information be concealed in transit.
 - Require the Director of the Division of Elections to approve ballot request forms not sent out by the Division.
- Establishes a penalty of Class C felony for repeat convictions of interfering with voting in the second degree, and a Class A misdemeanor for first offenses.

Benefits:

- Ensures the confidentiality and integrity of the by-mail absentee ballot application process.
- Accelerates the absentee ballot application process.
- Saves time for Division of Election staff.

Background:

- This bill addresses an issue that arose during the 2004 election in which the Alaska Democratic Party mailed out absentee ballot applications with the response card addressed to the Democratic Party, rather than the Division of Elections. The party would then forward the applications to the Division. Voters were not alerted that the application requested personal information that could be seen and used by others. This information normally is handled confidentially by the Division of Elections. Additionally, approximately 1,000 of the applications had been altered, possibly after they had been signed and mailed by the voter, requiring time-consuming verification by the Division.

Synopsis of SB 36

This bill is designed to:

- 1) Protect a voter's personal information (privacy issue)
- 2) Insure that only Division of Election approved forms are used to solicit applications.
- 3) Prohibit the "caging" of absentee ballot applications.
- 4) Prohibit third party tampering with absentee ballot applications.
- 5) Prohibit the lifting of personal information from absentee ballot applications.
- 6) Prohibit the encouragement or assistance in violation of these prohibitions.

Penalties

First offenders convicted will be punished under Class A misdemeanor provisions

Repeat offenders convicted will be punished under Class C felony provisions

Anticipated issues:

This bill does not prevent assisted voting (authorized under separate statute)

This bill does not mean your husband or wife or son or daughter or friend cannot place the application in the mailbox.

This bill does not mean that Fed-Ex or Ups or other common carriers of information cannot handle the application. (The term "mail" is typically construed to include the use of common carriers providing mail type service.)

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB36
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title "An Act relating to applications RDU Elections
requesting the delivery of absentee ballots by mail." Component Elections
 Sponsor Senator Therriault
 Requester Senate State Affairs Component No. 21

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	0.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is include I in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

This legislation may require internal policy or procedural changes only and therefore does not impose any fiscal impact on the Division.

Prepared by: Lauri Allred, Administrative Assistant Supervisor Phone 465-5347
 Division: Division of Elections Date/Time 1/18/05 1:20 PM
 Approved by: Laura A. Glaiser, Director Date 1/18/2005
 Agency: Division of Elections



State of Alaska

Division of Elections

Absentee By-Mail Application

1. When Completing This Application You **MUST** Provide:

• **Alaska Residence Address Where You Live** – A complete physical residence address must be included on your application. The residence address you provide will be used to assign your voter record to a voting district and precinct. Your application will not be processed if you leave the residence address blank or if you provide a PO Box, HC No. and Box, PSC Box, Rural Route No., Commercial Address or Mail Stop Address on line 5 of the application.

If your residence has been assigned a street number, provide that number. If not, indicate exactly where you live such as, highway name and milepost number, boat harbor with pier and slip number, subdivision name with lot and block or trailer park name and space number. If you live in a rural village in Alaska, you may provide the community name as your residence address.

• **Proof of Identity** – Your identity must be verified. If you have been issued a Social Security Number, an Alaska Driver's License or an Alaska State ID card, you **MUST** provide at least one number on Line 8 of the application. If you have never been issued one of the identification numbers, you may indicate so by checking the box in Line 8.

• **Date of Birth**

2. **Are you submitting this application by mail or by fax?** If so, and if you are not already registered to vote in Alaska, your identity must be verified. If you have not been issued one of the identification numbers listed in Line 8 of the application, your identity may be verified by submitting a copy of one of the following documents:

- Current and valid photo identification
- Driver's license
- State identification card
- Passport
- Birth certificate
- Hunting and Fishing license

If you do not provide proof of identification at the time of registration, you will be required to meet certain identification requirements at the time you vote.

3. **Are you registering from outside the State of Alaska?** If so, you must provide proof of Alaska residency, such as a copy of your current Alaska driver's license, hunting or fishing license, student loan documents, proof of employment in Alaska, or military leave and earnings statement.

4. **Are you temporarily out of state?** If you are temporarily outside Alaska and have intent to return, you may wish to maintain your Alaska residence as it appears on your current record. If you provide a new residence address, it must be within Alaska.

5. **Have you been convicted of a felony?** If so, you may register to vote only if you have been unconditionally discharged. Provide a copy of your discharge papers with this application if available.

6. **Primary Election Information.** Your party affiliation 30 days before the election will determine the ballot you will receive. If you are registered with a party, you will be sent the ballot for that party. If the party with which you are affiliated is no longer a recognized political party in the State of Alaska, you will not receive a candidate ballot. However, if there is a ballot listing a ballot proposition, you will receive this ballot. If you are registered as nonpartisan or undeclared, you must select a ballot from the ballot choice list in section 12. If you do not choose a ballot, your application will be returned to you.

7. Upon completion, mail your application to:

Division of Elections
Absentee By-Mail Section
PO Box 110017
Juneau AK 99811-0017
Telephone: (907) 465-4611
Fax: (907) 465-3203

www.elections.state.ak.us

STATE OF ALASKA ABSENTEE BY MAIL APPLICATION

Refer to instructions on reverse side for specific information and identification requirements.
This application **MUST** be received **AT LEAST 7 DAYS** prior to the election. **APPLY EARLY.**

1. Are you a citizen of the United States? Yes No
 Are you at least 18 years old or will be within 90 days of completing this application? Yes No
 Are you a resident of Alaska? Yes No

If you checked NO to any of these questions, DO NOT COMPLETE THIS FORM.

2. Send ballot(s) for All in Calendar Year Primary Election General Election REAA/CRSA

3. Last Name _____ First Name _____ Middle Initial _____ Suffix (Circle One)
 Jr., Sr., II, III or _____

4. Name Previously Registered _____

5. You **MUST** Provide the Alaska Residence Address Where You Claim Residency - do not use PO, PSC, HC or RR
 House # _____ Street Name _____ Apt # _____ City _____ State _____
ALASKA

6. Permanent Mailing Address _____ City _____ State _____ Zip Code _____

7. Ballot Mailing Address _____ City _____ State _____ Zip Code _____

8. You **MUST** provide at least **ONE**
- Social Security No. _____/_____/_____
 - Last 4 Digits of SSN _____
 - Alaska Driver's License No. _____
 - Alaska State ID Card No. _____
 - Alaska Voter No. _____

I have not been issued a Social Security, Alaska Driver's License or State ID number.

9. You **MUST** provide Date of Birth ____/____/____
Month Day Year

10. Gender Male Female

11. Affiliation (Select only ONE)
- Alaska Democratic Party
 - Alaska Libertarian Party
 - Alaskan Independence Party
 - Green Party of Alaska
 - Republican Moderate Party, Inc.
 - Republican Party of Alaska
 - nonpartisan (no party affiliation)
 - undeclared (no party declared)
 -

12. Primary Election Ballot Choice
Please See Instructions on Reverse
- If you are registered as nonpartisan or undeclared, you must select a political party ballot below.
- Alaska Democratic Party
 - Alaska Libertarian Party
 - Alaskan Independence Party
 - Green Party of Alaska
 - Republican Party of Alaska
 - Proposition ONLY Ballot (if applicable)

13. For Remote Alaska ONLY

If you are living, working, or traveling in a remote area of Alaska that does not have access to a polling place and would like a special advanced ballot mailed to you (mailed 60 days prior to the election), check this box.

14. Daytime Phone No. () _____
 Evening Phone No. () _____
 E-mail _____

15. **For Military and Overseas Voters ONLY**
- I AM (Check One):
- a member of the Uniformed Services or merchant marine on active duty, or an eligible spouse or dependent.
 - a U.S. citizen temporarily residing outside the U.S.
 - other U.S. citizen residing outside the U.S.

AND:

- Check this box if you would like to receive ballots for the next two regularly scheduled **general elections** at the ballot mailing address you provided above.

16. If you will be living, working, or traveling outside the United States and would like a special advanced ballot mailed to you (mailed 60 days prior to the election), check this box.

17. **Voters Certificate. Read and sign below:**

I swear or affirm, under penalty of perjury, that:

The information on this form is true, accurate, and complete to the best of my knowledge and I am eligible to vote in the requested jurisdiction, I am not requesting a ballot from any other state, and I am not voting in any other manner in this (these) election(s).

I further certify that I have not been convicted of a felony, or having been so convicted, have been unconditionally discharged from incarceration, probation and/or parole. I am not registered to vote in another state or I have taken the necessary steps to cancel that registration.

Voter Signature **Date**

WARNING: If you provide false information on this application you can be convicted of a felony and/or misdemeanor. (AS 15.56.040; AS 15.56.050)

For Office Use Only

VN _____

D/P _____

SB

54



SENATOR FRED DYSON

SPONSOR STATEMENT

CS SB 54 (FIN)—*"An Act amending protective order statutes for crimes involving stalking to include crimes involving sexual assault and sexual abuse, to provide for other relief ordered by a court, to add the protective orders to a centralized registry, to prevent denial solely for a lapse of time, and to require notification of the court of known civil or criminal actions involving the petitioner or respondent; relating to notifications to victims of sexual assault and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure."*

Historically, violent crime in Alaska has exceeded the national averages in nearly every category. Current statistics are no exception. According to a recent FBI report, our state has a stunning rate of sexual assault that nearly triples the national average. This annual Uniform Crime Report shows that as violent crime went down nationwide, it went up in Alaska. Forcible rapes in Alaska occurred at a rate of 92.5 per 100,000 people in 2003. The national average was 32.1. Although this latest increase is truly alarming, it may merely reflect the tendency for more victims to choose to report the crimes against them, rather than being solely due to an increase in offenses. Regardless, the problems persist in our state. The report continues to show that Alaska's violent crime rate—which includes murder, nonnegligent manslaughter, forcible rape, robbery, and aggravated assault—increased to 593 per 100,000 people, while the national average was 475.

In the past 30 years, Alaska has ranked among the five worst states nearly each year for the rate of sexual assault. Over 10 times has our state led the nation in this dubious distinction.

Victims of domestic violence and stalking have access to protective orders. The passage of SB 54 will allow victims of sexual assault to seek this protection as well. It is well documented that forcible rapes and sexual assaults are crimes of power, leaving the victim exceedingly fearful. Many times, victims are bullied and too terrified to report these crimes. In light of this, SB 54 attempts to grant safety and security to these victims.

These new guidelines for protective orders are inserted into the current remedies for stalking. Protective orders, ex parte orders, and emergency orders will be available to these victims. This bill focuses on victims of sexual assault (1st, 2nd, 3rd, 4th degrees) and sexual abuse of a minor (1st, 2nd, 3rd, 4th degrees) that is not domestic violence.

2003 FBI Uniform Crime Report: <http://www.fbi.gov/ucr/03cius.htm>

2003 Department of Public Safety Crime Report: <http://www.dps.state.ak.us/OnlineLibrary/htm/crim2003.pdf>



SENATOR FRED DYSON

SECTIONAL ANALYSIS

CS SB 54 (FIN)—*“An Act amending protective order statutes for crimes involving stalking to include crimes involving sexual assault and sexual abuse, to provide for other relief ordered by a court, to add the protective orders to a centralized registry, to prevent denial solely for a lapse of time, and to require notification of the court of known civil or criminal actions involving the petitioner or respondent; relating to notifications to victims of sexual assault and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure.”*

Section 1. Sets the criminal penalty for violating a sexual assault protective order as a class A misdemeanor, as is the current penalty for violation of a domestic violence or stalking protective order.

Section 2. Adds sexual assault to the mandatory arrest provisions. A peace officer shall make an arrest for violations of a protective order or violations of conditions of release for cases of domestic violence, sexual assault, and stalking.

Section 3. Ensures that the protective order is entered into the central registry of protective orders.

Section 4. Creates the availability of protective orders for victims of sexual assault by petitioning the district or superior court. A parent or guardian may file on behalf of a minor.

Section 5. Sets the parameters for court hearings. A hearing will be arranged in at least 10 days, and upon a preponderance of the evidence, a 6-month protective order is available.

Section 6. Outlines the remedies available for protective orders for victims of stalking or sexual assault. Adds an allowance for the court to determine other relevant protections.

Section 7. Similar to a domestic violence provision, this subsection allows sexual assault victims to seek protective orders when they feel unsafe, rather than being limited by the time elapsed since the crime.

Section 8. Creates the availability of ex parte and emergency protective orders for victims of sexual assault. Ex parte orders are obtainable, upon a probable cause finding and are valid for 20 days. In addition, peace officers may acquire emergency protective orders for victims of sexual assault, valid for 72 hours, upon probable cause that a crime has occurred.

Section 9. Expands the notification from the Department's of Public Safety to include victims of sexual assault. Investigating peace officers will provide information that explains a victims' rights and available services.



SENATOR FRED DYSON

Section 10. Adds the requirement that the petitioner must inform the court of pending civil and criminal actions involving the petitioner or the respondent, if any.

Section 11. Identifies the crimes of sexual assault (1st, 2nd, 3rd, 4th degrees), sexual abuse of a minor (1st, 2nd, 3rd, 4th degrees), and incest.

Section 12. Changes Rule 65 Alaska Rules of Civil Procedure, regarding restraining orders.

Section 13. Revisor's Instructions to expand the titles currently involving stalking to include sexual assault.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 6
 Bill Version: CSSB 54(FIN)
 (S) Publication Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An Act relating to notification of victims of sexual .. RDU: Legal and Advocacy Service
 Sponsor: Senator Dyson Component: Public Defender Agency
 Requester: (S) Finance Component No.: 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill, if enacted, is not expected to have a fiscal impact on the operations of the Public Defender Agency.

Prepared by: Quinlan Steiner, Director Phone 907.334.4414
 Division: Public Defender Agency Date/Time 1/17/06 11:10 a.m.
 Approved by: Mike Tibbles, Deputy Commissioner Date _____
 Agency: Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 7
 Bill Version: CSSB 54(FIN)
 (S) Publish Date: 1/25/08

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An Act relating to notification of victims of sexual .. RDU: Legal and Advocacy Services
 Component: Office of Public Advocacy
 Sponsor: Senator Dyson
 Requester: (S) Finance Component No.: 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill, if enacted, is not expected to have a fiscal impact on the operations of the Office of Public Advocacy.

Prepared by: Joshua P. Fink, Director
 Division: Office of Public Advocacy
 Approved by: Mike Tibbles, Deputy Commissioner
 Agency: Administration

Phone: 907.269-3500
 Date/Time: 1/18/08 12:08 p.m.
 Date: _____

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSSB 54(FIN)
(S) Publish Date: 1/25/08

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title: "An act relating to notification to victims of
sexual assault; relating to protective orders; and relating . . ." RDU: Institutional Facilities
Sponsor: Senators Dyeon, Guess, French, Ellis Component: Institution Director's Office
Requester: Senate Finance Component No.: 524

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type—Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should not have a significant fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director
Division: Administrative Services
Approved by: Portia C.K. Parker, Deputy Commissioner
Agency: Department of Corrections

Phone: (907) 465-3339
Date/Time: 1/17/08 10:08 AM
Date: 1/17/2008

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 8
 Bill Version: CSSB 54(FIN)
 (S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: An Act Relating to protective orders RDU: Statewide Support
for crimes involving sexual assault... Component: Criminal Records and ID
 Sponsor: Senator Dyson
 Requester: Senate Finance Committee Component No.: 1190

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	4.2					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	4.2	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	4.2					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	4.2	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time					
Part-time					
Temporary					

ANALYSIS: (Attach a separate page if necessary)

This bill allows victims of sexual assaults to obtain protective orders under the statute that currently allows protective orders for victims of stalking, which are available in circumstances when domestic violence protective orders are not available because there are no "household member" relationships between perpetrators and victims. The bill also expands mandatory arrest provisions, expands the crime of violating a protective order, adds to the notice of victims' rights for stalking victims, and increases the information that must be provided to the court when stalking/sexual assault orders are requested or in effect.

Prepared by: Director David Schade Phone 907-269-0202
 Division: Statewide Services Date/Time 1/24/06 10:23 AM
 Approved by: Commissioner William Tandeske Date 1/24/2006
 Agency: Department of Public Safety

FISCAL NOTE # 8

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. CSSB 54(FIN)

ANALYSIS CONTINUATION

Section 1 expands AS 11.56.740, the crime of violating a protective order, to include in subsection (2) violations of protective orders issued under AS 18.65.850, 18.65.855, or 18.65.860. (AS 18.65 orders, which were previously available to victims of stalking, are in this bill made available to victims of sexual assaults.) The crime is committed by violating any of the provisions authorized by AS 18.65.850 (c) (1)-(3) in a stalking/sexual assault protective order (including original, ex parte order, emergency, and modified orders). (In contrast, only violations of the first 7 of the possible 16 provisions of a domestic violence order are crimes.) This will require the Department of Public Safety (DPS) to modify the Uniform Offense Citation Table to add violations of sexual assault orders to this crime in the table, but will have no fiscal impact on the Statewide Support Results Delivery Unit (RDU) of the DPS.

Section 2 amends AS 18.65.530(a), which requires mandatory arrest (when the officer has probable cause and the crime occurred within the previous 12 hours). There is no change to subsection (a)(1), which requires arrest for certain crimes involving domestic violence. Subsection (a)(2) is expanded to include the crime of violating stalking/assault orders. Subsection (a)(3) expands the crime of violating conditions of release to add violations of AS 12.30.025, release before trial in cases involving stalking and of AS 12.30.029, release in sexual abuse and sexual assault cases. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Sections 3, 4, and 5 amend AS 18.65.850 to allow victims of sexual assault to obtain the protective orders that are currently available to stalking victims. New subsection 18.65.850(c)(4) provides that the court may order other relief determined to be necessary to protect the petitioner or the designated household member. The addition of sexual assault orders to stalking orders (in sections 3, 4, 5, and also 7, below) will require the DPS to make modifications to the Alaska Public Safety Information Network (APSIN) programming regarding the central registry and individual records, which will require \$4,200 for contractual services.

Section 6 adds AS 18.65.850(e) to provide that a stalking/sexual assault order may not be denied solely because of a lapse of time between the act and the filing of the petition. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Section 7 adds language to AS 18.65.855(a) and (b) to allow victims of sexual assault to obtain ex parte and emergency protective orders under the statute that allows protective orders for victims of stalking. The DPS has concerns about one change in this section - the addition of subsection (4) to AS 18.65.855(b). AS 18.65.540(a) requires the DPS to maintain a central registry of Domestic Violence (DV) and stalking protective orders. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Section 8 amends AS 18.65.865(c) to add information for sexual assault victims to the DPS notice about rights and services for stalking victims. This will require changes to the notice booklet that the DPS is responsible for drafting, printing, and distributing (see the Alaska State Trooper's (AST) fiscal note for their fiscal impact).

Section 9 adds subsection (d) to AS 18.65.865 in regard to the information that parties must provide to the court when a stalking/sexual assault protective order petition is filed, pending, or in effect. The petition must include a statement of known civil or criminal actions involving either party, and both parties are subject to a continuing duty to inform the court of civil or criminal actions. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Section 10 adds a reference to the definition of "sexual assault" as it applies to the stalking/sexual assault protective order provisions.

FISCAL NOTE

**STATE OF ALASKA
2006 LEGISLATIVE SESSION**

BILL NO. CSSB 54(FIN)

ANALYSIS CONTINUATION

Section 11 provides that sections 4 and 5 have the effect of modifying Civil Rule 65 regarding temporary restraining orders.

Section 12 provides a title change for Article 11 of AS 18.65.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 9
 Bill Version: CSSB 54(FIN)
 (S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: An Act relating to protective orders for crimes RDU: Alaska State Troopers
Involving sexual assault or stalking... Component: AST Detachments
 Sponsor: Senator Dyson
 Requester: Senate Finance Committee Component No.: 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies	10.0					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	10.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	10.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time					
Part-time					
Temporary					

ANALYSIS. (Attach a separate page if necessary)

This bill allows victims of sexual assaults to obtain protective orders under the statute that currently allows protective orders for victims of stalking, which are available in circumstances when domestic violence protective orders are not available because there are no "household member" relationships between perpetrators and victims. The bill also expands mandatory arrest provisions, expands the crime of violating a protective order, adds to the notice of victims' rights for stalking victims, and increases the information that must be provided to the court when stalking/sexual assault orders are requested or in effect.

Prepared by: Lieutenant James Helgoe
 Division: Alaska State Troopers
 Approved by: Commissioner William Tandeske
 Agency: Department of Public Safety

Phone: 907-269-4532
 Date/Time: 1/24/06 10:03 AM
 Date: 1/24/2006

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. CSSR 54(FIN)

ANALYSIS CONTINUATION

Section 8 of the proposed legislation amends AS 18.65.865(c) to add information for sexual assault victims to the Department of Public Safety's notice about rights and services for stalking victims. This will require changes to the notice booklet that the Department of Public Safety is responsible for drafting, printing, and distributing. These additional changes are estimated to cost the Department of Public Safety \$10,000 in design and printing requirements.

Even though there is a potential increase in the numbers of arrests for violations, this increase can be absorbed using current assets within the Department of Public Safety.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 10
 Bill Version: CSSB 54(FIN)
 (S) Publish Date: 1/26/06

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to protective orders for crimes RDU CRIMINAL
involving sexual assault or stalking..." Component Criminal Justice Litigation
 Sponsor Senator Dyson
 Requester Senate Finance Component No. 2202

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill chiefly amends AS 18.65.850 (Protective Orders for Stalking) to allow victims of sexual assault, that is not involving domestic violence, to apply for a protective order.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhatee, Director Phone 465-3673
 Division: Administrative Services Division Date/Time 1/25/06 4:24 PM
 Approved by: Kathryn Daughhatee for David Márquez, Attorney General Date 1/25/2006
 Agency: Department of Law

Table 1
Crime in the United States
by Volume and Rate, 1984-2003

Population ¹	Violent crime					Property crime			
	Violent crime	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny-theft	Motor vehicle theft
Number of Offenses									
Population by year:									
1984-235,824,902	1,273,282	18,692	84,233	485,008	685,349	10,608,473	2,984,434	6,591,874	1,032,165
1985-237,923,795	1,327,767	18,976	87,671	497,874	723,246	11,102,590	3,073,348	6,926,380	1,102,862
1986-240,132,887	1,489,169	20,613	91,459	542,775	834,322	11,722,700	3,241,410	7,257,153	1,224,137
1987-242,288,918	1,483,999	20,096	91,111	517,704	855,088	12,024,709	3,236,184	7,499,851	1,288,674
1988-244,498,982	1,566,221	20,675	92,486	542,968	910,092	12,356,965	3,218,077	7,705,872	1,432,916
1989-246,819,230	1,646,037	21,500	94,504	578,326	951,707	12,605,412	3,168,170	7,872,442	1,564,800
1990-249,464,396	1,820,127	23,438	102,555	639,271	1,054,863	12,655,486	3,073,909	7,945,670	1,635,907
1991-252,153,092	1,911,767	24,703	106,593	687,732	1,092,739	12,961,116	3,157,150	8,142,228	1,661,738
1992-255,029,699	1,932,274	23,760	109,062	672,478	1,126,974	12,505,917	2,979,884	7,915,199	1,610,834
1993-257,782,608	1,926,017	24,526	106,014	659,870	1,135,607	12,218,777	2,834,808	7,820,909	1,563,060
1994-260,327,021	1,857,670	23,326	102,216	618,949	1,113,179	12,131,873	2,712,774	7,879,812	1,539,287
1995-262,803,276	1,798,792	21,606	97,470	580,509	1,099,207	12,063,935	2,593,784	7,997,710	1,472,441
1996-265,228,572	1,688,540	19,645	96,252	535,594	1,037,049	11,805,323	2,506,400	7,904,685	1,394,238
1997-267,783,607	1,636,096	18,208	96,153	498,534	1,023,201	11,558,475	2,460,526	7,743,760	1,354,189
1998-270,248,003	1,533,887	16,974	93,144	447,186	976,583	10,951,827	2,332,735	7,376,311	1,242,781
1999-272,690,813	1,426,044	15,522	89,411	409,371	911,740	10,208,334	2,100,739	6,955,520	1,152,075
2000-281,421,906	1,425,486	15,586	90,178	408,016	911,706	10,182,584	2,050,992	6,971,590	1,160,002
2001-285,317,559 ²	1,439,480	16,037	90,863	423,557	909,023	10,437,189	2,116,531	7,092,267	1,228,391
2002-287,973,924 ³	1,423,677	16,229	93,235	420,806	891,407	10,455,277	2,151,252	7,057,379	1,246,646
2003-290,809,777	1,381,259	16,503	93,433	413,402	857,921	10,435,523	2,153,464	7,021,588	1,260,471
Percent change, number of offenses:									
2003/2002	-3.0	+1.7	-1.9	-1.8	-3.8	-0.2	+0.1	-0.5	+1.1
2003/1999	-3.1	+6.3	+4.5	+1.0	-5.9	+2.2	+2.5	+0.9	+9.4
2003/1994	-25.6	-29.3	-8.6	-33.2	-22.9	-14.0	-20.6	-10.9	-18.1
Rate per 100,000 Inhabitants									
Year:									
1984	539.9	7.9	35.7	205.7	290.6	4,498.5	1,265.5	2,795.2	437.7
1985	558.1	8.0	36.8	209.3	304.0	4,666.4	1,291.7	2,911.2	463.5
1986	620.1	8.6	38.1	226.0	347.4	4,881.8	1,349.8	3,022.1	509.8
1987	612.5	8.3	37.6	213.7	352.9	4,963.0	1,335.7	3,095.4	531.9
1988	640.6	8.5	37.8	222.1	372.2	5,054.0	1,316.2	3,151.7	586.1
1989	666.9	8.7	38.3	234.3	385.6	5,107.1	1,283.6	3,189.6	634.0
1990	729.6	9.4	41.1	256.3	422.9	5,073.1	1,232.2	3,185.1	655.8
1991	758.2	9.8	42.3	272.7	433.4	5,140.2	1,252.1	3,229.1	659.0
1992	757.7	9.3	42.8	263.7	441.9	4,903.7	1,168.4	3,103.6	631.6
1993	747.1	9.5	41.1	256.0	440.5	4,740.0	1,099.7	3,033.9	606.3
1994	713.6	9.0	39.3	237.8	427.6	4,660.2	1,042.1	3,026.9	591.3
1995	684.5	8.2	37.1	220.9	418.3	4,590.5	987.0	3,043.2	560.3
1996	636.6	7.4	36.3	201.9	391.0	4,451.0	945.0	2,980.3	525.7
1997	611.0	6.8	35.9	186.2	382.1	4,316.3	918.8	2,891.8	505.7
1998	567.6	6.3	34.5	165.5	361.4	4,052.5	863.2	2,729.5	459.9
1999	523.0	5.7	32.8	150.1	334.3	3,743.6	770.4	2,550.7	422.5
2000	506.5	5.5	32.0	145.0	324.0	3,618.3	728.8	2,477.3	412.2
2001 ²	504.5	5.6	31.8	148.5	318.6	3,658.1	741.8	2,485.7	430.5
2002 ³	494.4	5.6	33.1	146.1	309.5	3,630.6	747.0	2,450.7	432.9
2003	475.0	5.7	32.1	142.2	295.0	3,588.4	740.5	2,414.5	433.4
Percent change, rate per 100,000 inhabitants:									
2003/2002	-3.9	+0.7	-2.8	-2.7	-4.7	-1.2	-0.9	-1.5	+0.1
2003/1999	-9.2	-0.3	-2.0	-5.3	-11.8	-4.1	-3.9	-5.3	+2.6
2003/1994	-33.4	-36.7	-18.2	-40.2	-31.0	-23.0	-28.9	-20.2	-26.7

¹ Populations are U.S. Census Bureau provisional estimates as of July 1 for each year except 1990 and 2000 which are decennial census counts.

² The murder and nonnegligent homicides that occurred as a result of the events of September 11, 2001, are not included in this table.

³ The 2002 crime figures have been adjusted.

NOTE: Although arson data are included in the trend and clearance tables, sufficient data are not available to estimate totals for this offense.

Table 5
Crime in the United States
by State, 2003

Area	Population	Violent crime					Property crime			
		Violent crime	Murder and non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny-theft	Motor vehicle theft
ALABAMA										
Metropolitan Statistical Area	3,179,196									
Area actually reporting	95.2%	14,871	242	1,197	5,305	8,127	139,325	33,305	93,858	12,162
Estimated total	100.0%	15,364	247	1,240	5,441	8,436	144,477	34,489	97,441	12,547
Cities outside metropolitan areas	557,794									
Area actually reporting	92.9%	2,698	30	245	477	1,946	26,129	5,004	19,687	1,438
Estimated total	100.0%	2,881	32	263	507	2,079	27,863	5,339	20,993	1,531
Nonmetropolitan counties	763,762									
Area actually reporting	79.7%	866	16	122	72	656	7,894	2,724	4,469	701
Estimated total	100.0%	1,086	20	153	90	823	9,901	3,417	5,605	879
State Total	4,500,752	19,331	299	1,636	6,832	11,330	182,241	43,245	124,839	13,947
Rate per 100,000 inhabitants		429.5	6.6	36.8	134.2	251.9	4,049.1	960.8	2,756.0	332.3
ALASKA										
Metropolitan Statistical Area	315,992									
Area actually reporting	100.0%	2,222	21	291	388	1,521	14,707	1,798	11,408	1,421
Estimated total	100.0%	2,222	21	291	388	1,521	14,707	1,798	11,408	1,421
Cities outside metropolitan areas	122,843									
Area actually reporting	93.4%	689	3	122	30	534	4,421	522	3,471	428
Estimated total	100.0%	738	3	131	32	572	4,733	599	3,716	498
Nonmetropolitan counties	210,383									
Area actually reporting	100.0%	890	15	178	23	674	4,840	1,498	2,773	589
State Total	548,818	3,880	39	600	444	2,707	34,380	3,888	17,977	2,440
Rate per 100,000 inhabitants		593.4	6.0	92.5	68.4	426.5	3,742.2	594.2	2,711.7	377.3
ARIZONA										
Metropolitan Statistical Area	4,958,626									
Area actually reporting	98.4%	25,898	415	1,719	7,393	16,371	288,776	52,742	181,499	54,535
Estimated total	100.0%	26,208	416	1,745	7,460	16,587	292,974	53,653	184,112	55,209
Cities outside metropolitan areas	302,704									
Area actually reporting	98.8%	1,177	13	68	123	973	14,582	2,663	10,828	1,091
Estimated total	100.0%	1,192	13	69	125	985	14,765	2,696	10,964	1,105
Nonmetropolitan counties	319,481									
Area actually reporting	100.0%	1,238	12	42	34	1,150	6,596	2,264	3,649	683
State Total	5,580,811	28,638	441	1,856	7,619	18,722	314,335	58,613	198,725	56,997
Rate per 100,000 inhabitants		513.2	7.9	33.3	136.5	335.5	5,632.4	1,050.3	3,560.9	1,021.3
ARKANSAS										
Metropolitan Statistical Area	1,566,369									
Area actually reporting	92.8%	8,199	115	651	1,804	5,629	71,247	15,972	50,710	4,565
Estimated total	100.0%	8,486	117	680	1,830	5,859	74,132	16,800	52,599	4,733
Cities outside metropolitan areas	456,839									
Area actually reporting	86.1%	2,429	25	108	288	2,008	14,204	4,166	9,417	621
Estimated total	100.0%	2,822	29	125	335	2,333	16,501	4,840	10,940	721
Nonmetropolitan counties	702,506									
Area actually reporting	79.6%	894	22	78	50	744	6,431	2,598	3,390	443
Estimated total	100.0%	1,123	28	98	63	934	8,077	3,263	4,258	556
State Total	3,725,714	12,431	174	903	2,228	9,126	98,710	24,903	67,797	6,010
Rate per 100,000 inhabitants		456.1	6.4	33.1	81.7	334.8	3,621.4	913.6	2,487.3	220.5
CALIFORNIA										
Metropolitan Statistical Area	34,663,398									
Area actually reporting	100.0%	202,433	2,369	9,695	63,482	126,887	1,191,157	235,397	716,933	238,827
Estimated total	100.0%	202,433	2,369	9,695	63,482	126,887	1,191,157	235,397	716,933	238,827
Cities outside metropolitan areas	263,004									
Area actually reporting	100.0%	1,397	7	152	180	1,058	12,364	2,960	8,383	1,021
Estimated total	100.0%	1,397	7	152	180	1,058	12,364	2,960	8,383	1,021
Nonmetropolitan counties	558,051									
Area actually reporting	100.0%	1,721	31	147	108	1,435	11,565	3,917	6,170	1,478
Estimated total	100.0%	1,721	31	147	108	1,435	11,565	3,917	6,170	1,478
State Total	35,484,453	205,551	2,407	9,994	63,770	129,380	1,215,086	242,274	731,486	241,326
Rate per 100,000 inhabitants		579.3	6.8	28.2	179.7	364.6	3,424.3	682.8	2,061.4	680.1
COLORADO										
Metropolitan Statistical Area	3,900,941									
Area actually reporting	95.4%	13,767	160	1,638	3,562	8,407	154,403	28,339	105,124	20,940
Estimated total	100.0%	14,276	164	1,699	3,669	8,744	162,012	29,524	110,630	21,858
Cities outside metropolitan areas	295,314									
Area actually reporting	87.4%	863	9	135	52	667	11,047	1,648	8,923	476
Estimated total	100.0%	986	10	154	59	763	12,635	1,885	10,206	544
Nonmetropolitan counties	354,433									
Area actually reporting	94.5%	420	3	38	7	372	4,435	908	3,246	281
Estimated total	100.0%	444	3	40	7	394	4,693	961	3,435	297
State Total	4,550,688	15,706	177	1,893	3,735	9,901	179,340	32,370	124,271	22,699
Rate per 100,000 inhabitants		345.1	3.9	41.6	82.1	217.6	3,940.9	711.3	2,730.8	498.8
CONNECTICUT										
Metropolitan Statistical Area	2,813,777									
Area actually reporting	100.0%	9,359	101	570	4,002	4,686	81,477	13,071	58,074	10,332
Estimated total	100.0%	9,359	101	570	4,002	4,686	81,477	13,071	58,074	10,332
Cities outside metropolitan areas	157,399									
Area actually reporting	100.0%	300	0	26	66	208	3,307	640	2,445	222
Estimated total	100.0%	300	0	26	66	208	3,307	640	2,445	222
Nonmetropolitan counties	512,196									
Area actually reporting	100.0%	1,077	3	56	78	940	6,017	1,898	3,647	472
Estimated total	100.0%	1,077	3	56	78	940	6,017	1,898	3,647	472
State Total	3,483,372	10,736	104	652	4,146	5,834	98,801	15,609	64,166	11,026
Rate per 100,000 inhabitants		308.2	3.0	18.7	119.0	167.5	2,806.7	448.1	1,842.1	316.5
DELAWARE										
Metropolitan Statistical Area	651,493									
Area actually reporting	100.0%	4,430	19	278	1,272	2,861	22,802	4,662	15,478	2,662
Estimated total	100.0%	4,430	19	278	1,272	2,861	22,802	4,662	15,478	2,662
Cities outside metropolitan areas	38,608									
Area actually reporting	100.0%	340	0	24	72	244	2,051	427	1,567	57
Estimated total	100.0%	340	0	24	72	244	2,051	427	1,567	57
Nonmetropolitan counties	127,390									
Area actually reporting	100.0%	609	5	51	45	508	2,814	877	1,776	161
Estimated total	100.0%	609	5	51	45	508	2,814	877	1,776	161
State Total	817,491	5,379	24	353	1,389	3,613	27,667	5,966	18,821	2,880
Rate per 100,000 inhabitants		658.0	2.9	43.2	169.9	442.0	3,384.4	729.8	2,302.3	352.3

DISTRICT OF COLUMBIA¹										
Metropolitan Statistical Area	563,384									
Area actually reporting	100.0%	9,060	249	274	3,941	4,596	32,678	4,671	18,104	9,903
Cities outside metropolitan areas	None									
Nonmetropolitan counties	None									
Total	563,384	9,060	249	274	3,941	4,596	32,678	4,671	18,104	9,903
Rate per 100,000 inhabitants		1,608.1	44.2	48.6	699.5	815.8	5,800.3	829.1	3,213.4	1,757.8
FLORIDA										
Metropolitan Statistical Area	15,999,074									
Area actually reporting	99.9%	118,630	872	6,335	30,844	80,579	725,538	161,346	484,816	79,376
Estimated total	100.0%	118,659	872	6,337	30,852	80,598	725,762	161,392	484,973	79,397
Cities outside metropolitan areas	196,937									
Area actually reporting	99.2%	1,746	11	81	327	1,327	11,687	2,634	8,333	720
Estimated total	100.0%	1,761	11	82	330	1,338	11,780	2,655	8,399	726
Nonmetropolitan counties	863,057									
Area actually reporting	100.0%	3,860	41	308	341	3,170	20,154	6,597	12,117	1,440
State Total	17,019,068	124,288	924	6,727	31,523	85,106	757,696	170,644	505,489	81,563
Rate per 100,000 inhabitants		730.2	5.4	39.5	185.2	500.1	4,452.0	1,002.7	2,970.1	479.2
GEORGIA										
Metropolitan Statistical Area	6,964,510									
Area actually reporting	97.1%	31,989	563	1,828	12,668	16,930	302,922	63,860	199,987	39,075
Estimated total	100.0%	32,721	573	1,876	12,936	17,336	311,054	65,516	205,459	40,079
Cities outside metropolitan areas	642,357									
Area actually reporting	85.1%	3,511	44	201	746	2,520	30,512	5,917	23,222	1,373
Estimated total	100.0%	4,127	52	236	877	2,962	35,857	6,954	27,289	1,614
Nonmetropolitan counties	1,077,848									
Area actually reporting	87.4%	2,251	27	106	212	1,906	19,750	5,675	12,608	1,467
Estimated total	100.0%	2,574	31	121	242	2,180	22,590	6,491	14,421	1,678
State Total	8,684,715	39,422	636	2,233	14,885	22,478	369,301	78,961	247,169	43,371
Rate per 100,000 inhabitants		453.9	7.6	25.7	161.8	258.8	4,254.6	908.2	2,846.0	499.4
HAWAII										
Metropolitan Statistical Area	908,301									
Area actually reporting	100.0%	2,606	15	266	989	1,336	48,306	7,967	32,086	8,253
Cities outside metropolitan areas	None									
Nonmetropolitan counties	352,307									
Area actually reporting	100.0%	794	7	101	179	507	17,561	3,442	12,721	1,398
State Total	1,257,608	3,400	22	367	1,168	1,843	65,867	11,409	44,807	9,651
Rate per 100,000 inhabitants		270.4	1.7	29.2	92.9	146.5	5,237.5	907.2	3,562.9	767.4
IDAHO										
Metropolitan Statistical Area	864,948									
Area actually reporting	99.0%	2,354	17	402	195	1,740	28,531	5,308	21,332	1,891
Estimated total	100.0%	2,370	17	405	195	1,753	28,715	5,352	21,460	1,903
Cities outside metropolitan areas	212,578									
Area actually reporting	97.7%	491	0	52	37	402	7,067	1,419	5,279	369
Estimated total	100.0%	502	0	53	38	411	7,233	1,452	5,403	378
Nonmetropolitan counties	288,806									
Area actually reporting	98.4%	437	8	49	11	369	3,733	971	2,439	323
Estimated total	100.0%	444	8	50	11	375	3,794	987	2,479	328
State Total	1,366,333	3,316	25	508	244	2,539	39,742	7,791	29,342	2,609
Rate per 100,000 inhabitants		242.7	1.8	37.2	17.9	185.8	2,908.7	570.2	2,147.5	190.9
ILLINOIS¹										
State Total	12,653,544	78,456	896	4,167	23,889	41,584	415,993	78,288	295,541	41,764
Rate per 100,000 inhabitants		556.8	7.1	32.9	188.2	328.6	3,284.4	618.7	2,335.6	330.1
INDIANA										
Metropolitan Statistical Area	4,790,924									
Area actually reporting	91.2%	18,489	312	1,371	5,839	10,967	165,549	32,915	114,774	17,860
Estimated total	100.0%	19,314	317	1,437	5,991	11,569	174,579	34,672	121,187	18,720
Cities outside metropolitan areas	507,223									
Area actually reporting	86.8%	978	8	104	223	643	18,672	3,211	14,493	968
Estimated total	100.0%	1,126	9	120	257	740	21,499	3,697	16,687	1,115
Nonmetropolitan counties	897,496									
Area actually reporting	59.4%	841	9	97	92	643	7,101	1,908	4,639	554
Estimated total	100.0%	1,416	15	163	155	1,083	11,956	3,212	7,811	933
State Total	6,195,643	21,256	341	1,730	6,403	13,392	208,834	41,551	145,685	20,768
Rate per 100,000 inhabitants		352.8	5.5	27.8	103.3	216.2	3,357.7	671.1	2,351.4	335.2
IOWA										
Metropolitan Statistical Area	1,592,457									
Area actually reporting	98.6%	5,734	37	577	1,005	4,115	61,238	11,192	45,787	4,259
Estimated total	100.0%	5,778	37	582	1,010	4,149	61,890	11,303	46,303	4,284
Cities outside metropolitan areas	594,558									
Area actually reporting	91.0%	1,622	5	137	95	1,385	18,059	3,860	13,376	823
Estimated total	100.0%	1,783	5	151	104	1,523	19,852	4,243	14,704	905
Nonmetropolitan counties	757,047									
Area actually reporting	99.3%	456	5	29	9	413	5,398	1,986	3,001	409
Estimated total	100.0%	459	5	29	9	416	5,436	2,000	3,024	412
State Total	2,944,062	8,030	47	763	1,123	6,088	87,178	17,546	64,831	5,681
Rate per 100,000 inhabitants		272.4	1.6	25.9	38.1	206.8	2,961.1	596.0	2,174.9	190.2
KANSAS										
Metropolitan Statistical Area	1,691,995									
Area actually reporting	96.7%	7,559	79	659	1,969	4,852	72,431	14,104	52,314	6,013
Estimated total	100.0%	7,737	80	677	2,007	4,973	74,483	14,468	53,837	6,178
Cities outside metropolitan areas	605,937									
Area actually reporting	95.5%	2,110	34	248	199	1,629	25,391	5,046	19,315	1,030
Estimated total	100.0%	2,210	36	260	208	1,706	26,598	5,286	20,233	1,079
Nonmetropolitan counties	425,575									
Area actually reporting	97.3%	802	7	102	30	663	7,491	2,076	4,909	506
Estimated total	100.0%	824	7	105	31	681	7,696	2,133	5,043	520
State Total	2,723,907	10,771	123	1,042	2,246	7,360	108,777	21,887	79,113	7,777
Rate per 100,000 inhabitants		395.5	4.5	38.3	82.5	270.2	3,994.0	803.6	2,904.8	285.6
KENTUCKY¹										
State Total	4,117,827	10,777	188	1,854	3,196	6,339	110,418	27,656	73,396	9,366
Rate per 100,000 inhabitants		261.7	4.6	25.6	77.6	153.9	2,681.5	671.6	1,782.4	227.5

LOUISIANA										
Metropolitan Statistical Area	3,348,338									
Area actually reporting	97.9%	22,398	495	1,314	6,254	14,135	155,065	34,164	100,087	17,814
Estimated total	100.0%	22,799	497	1,537	6,333	14,432	158,822	34,822	108,952	18,048
Cities outside metropolitan areas	420,432									
Area actually reporting	74.7%	2,389	26	125	367	1,871	16,728	4,234	11,772	722
Estimated total	100.0%	3,197	35	167	491	2,504	22,389	5,867	15,756	966
Nonmetropolitan counties	707,564									
Area actually reporting	88.5%	2,713	48	128	217	2,320	12,703	3,882	8,053	768
Estimated total	100.0%	3,066	54	145	245	2,622	14,358	4,388	9,102	866
State Total	4,486,334	29,862	586	1,849	7,069	19,588	195,969	44,877	138,810	19,882
Rate per 100,000 inhabitants		646.3	13.0	41.1	157.2	435.0	4,349.5	998.1	2,909.3	442.2
MAINE										
Metropolitan Statistical Area	757,912									
Area actually reporting	100.0%	874	10	224	243	397	19,985	3,763	15,329	893
Cities outside metropolitan areas	276,145									
Area actually reporting	100.0%	397	3	99	38	257	8,322	1,547	6,441	334
Nonmetropolitan counties	271,671									
Area actually reporting	100.0%	151	3	31	8	109	3,771	1,269	2,273	229
State Total	1,305,728	1,422	16	354	289	763	32,078	6,579	24,043	1,486
Rate per 100,000 inhabitants		108.9	1.2	27.1	22.1	58.4	2,456.7	503.9	1,841.3	111.5
MARYLAND										
Metropolitan Statistical Area	5,223,096									
Area actually reporting	100.0%	37,461	520	1,276	13,147	22,518	201,714	37,049	128,701	35,964
Cities outside metropolitan areas	73,338									
Area actually reporting	100.0%	632	2	40	92	498	4,063	642	3,241	180
Nonmetropolitan counties	212,475									
Area actually reporting	100.0%	685	3	42	63	577	3,641	950	2,430	261
State Total	5,908,909	38,778	525	1,358	13,302	23,593	209,418	38,641	134,372	36,405
Rate per 100,000 inhabitants		703.9	9.5	24.7	241.5	428.3	3,801.4	701.4	2,439.2	660.8
MASSACHUSETTS										
Metropolitan Statistical Area	6,400,207									
Area actually reporting	97.0%	29,564	142	1,760	7,887	19,775	159,700	33,851	100,813	25,036
Estimated total	100.0%	30,122	142	1,795	7,982	20,203	163,170	34,621	103,067	25,482
Cities outside metropolitan areas	32,237									
Area actually reporting	87.1%	56	0	3	3	50	739	88	630	21
Estimated total	100.0%	74	0	3	3	68	848	101	723	24
Nonmetropolitan counties	978									
Area actually reporting	100.0%	0	0	0	0	0	0	0	0	0
State Total	6,432,422	30,196	142	1,798	7,985	20,271	164,818	34,722	103,798	25,506
Rate per 100,000 inhabitants		469.4	2.2	27.9	124.1	315.1	2,549.5	539.7	1,613.3	396.5
MICHIGAN										
Metropolitan Statistical Area	8,213,764									
Area actually reporting	99.4%	47,359	591	4,254	11,074	31,440	286,422	57,943	177,145	51,334
Estimated total	100.0%	47,498	591	4,271	11,104	31,532	288,034	58,213	178,297	51,524
Cities outside metropolitan areas	643,814									
Area actually reporting	91.9%	1,414	4	339	82	989	18,855	2,706	15,409	740
Estimated total	100.0%	1,511	4	363	88	1,056	20,251	2,905	16,549	797
Nonmetropolitan counties	1,222,407									
Area actually reporting	97.5%	2,452	21	797	63	1,571	21,528	6,966	13,182	1,380
Estimated total	100.0%	2,515	22	817	65	1,611	22,071	7,142	13,514	1,415
State Total	10,079,985	51,324	617	5,451	11,257	34,199	336,356	68,260	208,360	53,736
Rate per 100,000 inhabitants		511.2	6.1	54.1	111.7	339.3	3,277.3	677.2	2,067.1	533.1
MINNESOTA										
Metropolitan Statistical Area	3,654,803									
Area actually reporting	94.3%	11,001	102	1,487	3,690	5,722	117,187	19,488	86,591	11,108
Estimated total	100.0%	11,315	105	1,545	3,757	5,908	123,606	20,347	91,724	11,535
Cities outside metropolitan areas	548,339									
Area actually reporting	99.5%	1,080	9	276	102	693	19,661	2,797	15,861	1,003
Estimated total	100.0%	1,086	9	277	103	697	19,760	2,811	15,941	1,008
Nonmetropolitan counties	856,233									
Area actually reporting	100.0%	887	14	261	44	568	14,325	4,538	8,571	1,216
State Total	5,059,375	13,288	128	2,083	3,904	7,173	157,691	27,696	116,236	13,799
Rate per 100,000 inhabitants		262.6	2.5	41.2	77.2	141.8	3,116.8	547.4	2,297.4	272.0
MISSISSIPPI										
Metropolitan Statistical Area	1,228,282									
Area actually reporting	81.6%	3,999	93	497	1,820	1,589	50,539	13,344	31,500	5,695
Estimated total	100.0%	4,505	105	555	1,952	1,893	57,394	15,164	35,868	6,362
Cities outside metropolitan areas	604,143									
Area actually reporting	78.8%	2,131	56	258	657	1,160	27,283	6,348	19,745	1,100
Estimated total	100.0%	2,706	71	328	834	1,473	34,644	8,061	25,012	1,511
Nonmetropolitan counties	1,048,856									
Area actually reporting	41.3%	895	38	80	96	681	6,256	2,730	3,082	444
Estimated total	100.0%	2,169	92	194	233	1,650	15,157	6,614	7,467	1,076
State Total	2,881,281	9,388	268	1,077	3,019	5,014	107,195	29,839	68,487	8,949
Rate per 100,000 inhabitants		325.5	9.3	37.4	104.8	174.1	3,720.4	1,035.6	2,374.2	310.6
MISSOURI										
Metropolitan Statistical Area	4,161,628									
Area actually reporting	99.9%	22,469	240	1,091	5,898	15,240	190,529	31,803	132,006	26,720
Estimated total	100.0%	22,478	240	1,092	5,900	15,246	190,642	31,820	132,091	26,731
Cities outside metropolitan areas	667,620									
Area actually reporting	100.0%	2,450	25	186	229	2,010	25,748	4,557	20,198	993
Nonmetropolitan counties	875,236									
Area actually reporting	100.0%	2,040	23	116	74	1,827	12,614	4,531	7,148	935
State Total	5,704,484	26,968	288	1,394	6,283	19,083	229,004	38,998	159,437	28,689
Rate per 100,000 inhabitants		472.8	5.0	24.4	108.7	334.5	4,014.5	717.1	2,794.9	502.4

MONTANA										
Metropolitan Statistical Area	321,651									
Area actually reporting	87.9%	957	12	59	220	666	13,144	1,606	10,666	872
Estimated total	100.0%	1,033	13	63	224	733	13,939	1,698	11,309	932
Cities outside metropolitan areas	180,244									
Area actually reporting	70.2%	650	4	56	31	539	5,458	554	4,607	297
Estimated total	100.0%	927	6	80	44	797	7,777	789	6,565	423
Nonmetropolitan counties	415,726									
Area actually reporting	70.0%	974	8	72	21	873	4,700	865	3,449	386
Estimated total	100.0%	1,391	11	103	30	1,247	6,712	1,235	4,926	551
State Total	917,621	3,351	30	246	298	2,777	28,428	3,722	22,888	1,986
Rate per 100,000 inhabitants		365.2	3.3	26.8	32.5	302.6	3,098.0	405.6	2,484.7	207.7
NEBRASKA										
Metropolitan Statistical Area	972,426									
Area actually reporting	98.1%	4,071	43	323	1,081	2,624	45,104	6,669	33,198	5,237
Estimated total	100.0%	4,091	43	325	1,083	2,640	45,395	6,730	33,403	5,262
Cities outside metropolitan areas	395,801									
Area actually reporting	89.3%	588	7	106	60	415	13,075	1,849	10,693	533
Estimated total	100.0%	659	8	119	67	465	14,640	2,070	11,973	597
Nonmetropolitan counties	371,064									
Area actually reporting	91.6%	253	5	47	11	190	4,136	1,165	2,728	243
Estimated total	100.0%	276	5	51	12	208	4,517	1,272	2,980	265
State Total	1,739,291	5,826	56	495	1,162	3,313	64,552	10,872	48,266	6,124
Rate per 100,000 inhabitants		289.0	3.2	28.5	66.8	190.5	3,711.4	579.1	2,780.2	352.1
NEVADA										
Metropolitan Statistical Area	2,002,686									
Area actually reporting	100.0%	13,117	193	813	5,094	7,017	90,426	20,215	49,780	20,431
Cities outside metropolitan areas	43,757									
Area actually reporting	100.0%	116	1	10	25	80	1,597	348	1,157	92
Nonmetropolitan counties	194,711									
Area actually reporting	100.0%	532	3	51	43	435	4,086	1,414	2,357	315
State Total	2,241,154	13,765	197	874	5,162	7,532	96,109	21,977	53,294	20,838
Rate per 100,000 inhabitants		614.2	8.8	39.0	230.3	336.1	4,288.4	980.6	2,378.0	929.8
NEW HAMPSHIRE										
Metropolitan Statistical Area	804,374									
Area actually reporting	85.3%	1,262	12	236	387	627	14,907	2,459	11,153	1,295
Estimated total	100.0%	1,393	13	271	411	698	16,871	2,734	12,704	1,433
Cities outside metropolitan areas	426,204									
Area actually reporting	66.1%	315	3	90	43	179	6,109	1,121	4,687	301
Estimated total	100.0%	477	5	136	65	271	9,242	1,696	7,091	455
Nonmetropolitan counties	57,209									
Area actually reporting	81.9%	38	0	16	2	20	275	100	151	24
Estimated total	100.0%	46	0	20	2	24	335	122	184	29
State Total	1,287,687	1,916	18	427	478	993	26,448	4,552	19,979	1,917
Rate per 100,000 inhabitants		148.8	1.4	33.2	37.1	77.1	2,053.9	353.5	1,551.5	148.9
NEW JERSEY										
Metropolitan Statistical Area	8,638,396									
Area actually reporting	100.0%	31,599	407	1,325	13,366	16,501	219,799	43,453	141,778	34,568
Cities outside metropolitan areas	None									
Nonmetropolitan counties	None									
State Total	8,638,396	31,599	407	1,325	13,366	16,501	219,799	43,453	141,778	34,568
Rate per 100,000 inhabitants		365.8	4.7	15.3	154.7	191.0	2,544.4	503.0	1,641.3	400.2
NEW MEXICO										
Metropolitan Statistical Area	1,200,062									
Area actually reporting	88.0%	7,758	75	614	1,493	5,576	49,668	11,777	32,206	5,685
Estimated total	100.0%	8,454	79	672	1,565	6,138	52,717	12,715	33,993	6,009
Cities outside metropolitan areas	397,362									
Area actually reporting	91.3%	3,105	21	163	315	2,606	18,983	4,465	13,593	925
Estimated total	100.0%	3,402	23	179	345	2,855	20,794	4,891	14,890	1,013
Nonmetropolitan counties	277,190									
Area actually reporting	70.5%	433	7	61	28	337	2,673	1,137	1,371	165
Estimated total	100.0%	614	10	86	40	478	3,790	1,612	1,944	234
State Total	1,874,614	12,470	112	937	1,908	9,471	77,381	19,218	50,827	7,286
Rate per 100,000 inhabitants		665.2	6.0	50.0	104.0	505.2	4,123.6	1,025.2	2,711.3	387.1
NEW YORK										
Metropolitan Statistical Area	17,630,414									
Area actually reporting	99.3%	85,641	909	3,244	35,348	46,140	397,171	67,795	285,262	44,114
Estimated total	100.0%	85,872	909	3,255	35,427	46,281	399,777	68,176	287,311	44,290
Cities outside metropolitan areas	582,644									
Area actually reporting	90.0%	1,328	6	184	208	930	15,573	2,564	12,677	382
Estimated total	100.0%	1,475	7	204	231	1,033	17,297	2,848	14,025	424
Nonmetropolitan counties	977,057									
Area actually reporting	93.0%	1,783	17	292	93	1,381	13,362	4,154	8,740	468
Estimated total	100.0%	1,918	18	314	100	1,486	14,374	4,469	9,402	503
State Total	19,190,115	89,265	934	3,773	35,788	48,888	431,448	75,493	318,738	45,217
Rate per 100,000 inhabitants		465.2	4.9	19.7	146.3	254.3	2,248.3	393.4	1,619.3	235.6
NORTH CAROLINA										
Metropolitan Statistical Area	5,765,063									
Area actually reporting	98.0%	28,614	320	1,503	9,879	16,912	259,950	68,549	170,223	21,178
Estimated total	100.0%	28,934	323	1,524	9,958	17,129	263,927	69,699	172,827	21,401
Cities outside metropolitan areas	815,560									
Area actually reporting	92.5%	4,885	66	279	1,485	3,055	49,166	12,119	34,784	2,263
Estimated total	100.0%	5,271	71	302	1,602	3,296	53,080	13,082	37,560	2,438
Nonmetropolitan counties	1,826,625									
Area actually reporting	97.5%	3,939	112	305	652	2,870	41,574	17,453	21,145	2,976
Estimated total	100.0%	4,041	115	313	669	2,944	42,653	17,906	21,694	3,053
State Total	8,407,248	38,246	599	2,139	12,229	23,369	399,448	108,687	232,881	26,893
Rate per 100,000 inhabitants		454.9	6.1	25.4	145.5	278.0	4,278.0	1,197.6	2,760.5	319.9

NORTH DAKOTA										
Metropolitan Statistical Area	286,263									
Area actually reporting	99.5%	253	3	73	28	149	7,382	1,039	5,825	518
Estimated total	100.0%	254	3	73	28	150	7,432	1,047	5,864	521
Cities outside metropolitan areas	141,733									
Area actually reporting	84.0%	140	6	51	16	67	3,527	424	2,804	299
Estimated total	100.0%	167	7	61	19	80	4,201	505	3,340	356
Nonmetropolitan counties	205,841									
Area actually reporting	81.6%	59	2	14	3	40	1,348	317	867	164
Estimated total	100.0%	72	2	17	4	49	1,633	389	1,063	201
State Total	633,837	493	12	151	51	279	13,286	1,841	10,267	1,078
Rate per 100,000 inhabitants		77.8	1.9	23.8	8.0	44.0	2,096.1	306.2	1,619.8	170.1
OHIO										
Metropolitan Statistical Area	9,211,400									
Area actually reporting	90.2%	33,940	443	3,829	15,781	13,887	335,607	77,844	221,267	36,496
Estimated total	100.0%	35,357	454	4,051	16,274	14,578	360,292	82,495	239,706	38,091
Cities outside metropolitan areas	834,409									
Area actually reporting	69.6%	1,261	24	241	354	642	26,246	4,677	20,544	1,025
Estimated total	100.0%	1,810	34	346	508	922	37,688	6,716	29,500	1,472
Nonmetropolitan counties	1,389,989									
Area actually reporting	70.9%	664	24	135	76	429	12,999	4,055	7,928	1,016
Estimated total	100.0%	936	34	190	107	605	18,337	5,720	11,184	1,433
State Total	11,435,798	38,103	522	4,587	16,889	16,105	416,317	94,931	280,390	40,996
Rate per 100,000 inhabitants		333.2	4.6	40.1	147.7	140.8	3,640.5	830.1	2,451.9	358.5
OKLAHOMA										
Metropolitan Statistical Area	2,212,103									
Area actually reporting	100.0%	13,093	154	995	2,808	9,136	113,012	24,122	78,534	10,356
Estimated total										
Cities outside metropolitan areas	696,232									
Area actually reporting	100.0%	3,222	29	364	373	2,456	29,735	7,394	20,615	1,726
Estimated total										
Nonmetropolitan counties	603,197									
Area actually reporting	100.0%	1,443	23	142	43	1,235	8,461	3,330	4,255	876
Estimated total										
State Total	3,511,532	17,758	206	1,981	3,224	12,827	151,208	34,846	103,404	12,958
Rate per 100,000 inhabitants		505.7	5.9	42.7	91.8	365.3	4,306.0	992.3	2,944.7	369.0
OREGON										
Metropolitan Statistical Area	2,740,172									
Area actually reporting	99.0%	9,033	54	981	2,575	5,423	139,022	22,234	100,182	16,606
Estimated total	100.0%	9,075	54	987	2,584	5,450	139,928	22,406	100,810	16,712
Cities outside metropolitan areas	371,581									
Area actually reporting	98.2%	956	5	134	212	605	20,455	3,489	15,542	1,424
Estimated total	100.0%	973	5	136	216	614	20,835	3,554	15,831	1,450
Nonmetropolitan counties	447,843									
Area actually reporting	90.4%	427	8	86	46	287	8,559	2,410	5,401	748
Estimated total	100.0%	472	9	95	51	317	9,467	2,666	5,974	827
State Total	3,599,996	10,520	68	1,218	2,851	6,383	170,230	28,686	122,615	18,989
Rate per 100,000 inhabitants		295.5	1.9	34.2	80.1	179.3	4,782.3	804.2	3,444.6	533.5
PENNSYLVANIA										
Metropolitan Statistical Area	10,391,620									
Area actually reporting	91.3%	43,421	606	2,848	16,917	23,050	245,380	43,022	172,494	29,864
Estimated total	100.0%	45,463	622	2,996	17,441	24,404	264,583	45,786	187,517	31,280
Cities outside metropolitan areas	867,466									
Area actually reporting	73.9%	1,763	9	173	274	1,307	15,180	2,352	12,068	760
Estimated total	100.0%	2,386	12	234	371	1,769	20,543	3,183	16,331	1,029
Nonmetropolitan counties	1,106,369									
Area actually reporting	100.0%	1,367	17	326	168	856	15,515	4,950	9,432	1,133
Estimated total										
State Total	12,365,455	49,216	651	3,556	17,980	27,829	300,641	53,919	213,280	33,442
Rate per 100,000 inhabitants		398.0	5.3	28.8	145.4	218.6	2,431.3	436.0	1,724.8	270.4
PURTO RICO										
Metropolitan Statistical Area	3,683,868									
Area actually reporting	100.0%	11,614	756	300	7,636	3,022	68,252	19,969	36,220	12,063
Estimated total										
Cities outside metropolitan areas	194,664									
Area actually reporting	100.0%	271	23	4	101	143	1,643	888	607	148
Estimated total										
Nonmetropolitan counties	1,106,369									
Area actually reporting	100.0%	1,367	17	326	168	856	15,515	4,950	9,432	1,133
Estimated total										
State Total	3,878,532	11,885	779	304	7,737	3,165	69,895	24,857	36,827	12,211
Rate per 100,000 inhabitants		306.4	20.1	5.3	199.5	81.6	1,802.1	537.8	949.5	314.8
RHODE ISLAND										
Metropolitan Statistical Area	1,076,164									
Area actually reporting	100.0%	3,050	23	491	828	1,708	32,184	5,521	22,285	4,378
Estimated total										
Cities outside metropolitan areas	None									
Nonmetropolitan counties	None									
Area actually reporting	100.0%	24	2	14	2	6	47	3	35	9
Estimated total										
State Total	1,076,164	3,074	25	505	830	1,714	32,231	5,524	22,320	4,387
Rate per 100,000 inhabitants		285.6	2.3	46.9	77.1	159.3	2,995.0	513.3	2,061.4	407.7
SOUTH CAROLINA										
Metropolitan Statistical Area	3,112,033									
Area actually reporting	99.9%	24,873	223	1,445	4,581	18,624	143,710	32,333	98,452	12,925
Estimated total	100.0%	24,880	223	1,445	4,582	18,630	143,772	32,343	98,500	12,929
Cities outside metropolitan areas	265,266									
Area actually reporting	99.5%	3,275	27	114	518	2,616	16,812	3,547	12,461	804
Estimated total	100.0%	3,292	27	115	521	2,629	16,896	3,565	12,523	808
Nonmetropolitan counties	769,533									
Area actually reporting	100.0%	4,736	50	283	567	3,816	25,003	7,674	15,304	2,025
Estimated total										
State Total	4,147,132	32,908	300	1,843	5,670	25,895	185,671	43,582	126,327	15,762
Rate per 100,000 inhabitants		793.5	7.2	44.4	136.7	605.1	4,477.1	1,050.9	3,046.1	380.1
SOUTH DAKOTA										
Metropolitan Statistical Area	324,249									
Area actually reporting	97.1%	846	6	240	81	519	8,996	1,562	6,910	524
Estimated total	100.0%	864	6	247	81	530	9,185	1,593	7,057	535
Cities outside metropolitan areas	201,164									
Area actually reporting	91.1%	267	1	64	10	192	4,343	799	3,372	212
Estimated total	100.0%	293	1	70	11	211	4,770	834	3,703	233
Nonmetropolitan counties	238,896									
Area actually reporting	83.8%	140	2	31	10	97	1,127	374	664	89
Estimated total	100.0%	168	3	37	12	110	1,344	446	792	106
State Total	764,309	1,325	10	354	104	857	15,299	2,873	11,552	874
Rate per 100,000 inhabitants		173.4	1.3	46.3	13.6	112.1	2,001.7	375.9	1,511.4	114.4

TENNESSEE											
Metropolitan Statistical Area	4,237,335										
Area actually reporting	100.0%	33,347	337	1,770	8,796	22,444	205,209	48,498	134,118	22,573	
Estimated total	100.0%										
Cities outside metropolitan areas	578,487										
Area actually reporting	100.0%	3,570	29	172	461	2,914	29,700	6,595	21,328	1,777	
Estimated total	100.0%										
Nonmetropolitan counties	1,025,926										
Area actually reporting	100.0%	3,254	29	143	115	2,967	20,924	8,114	10,770	2,040	
Estimated total	100.0%										
State Total	5,841,748	48,177	395	2,085	9,372	28,325	255,833	63,207	166,216	26,410	
Rate per 100,000 inhabitants		687.8	6.8	33.7	160.4	484.9	4,379.4	1,082.0	2,843.3	452.1	
TEXAS											
Metropolitan Statistical Area	19,139,661										
Area actually reporting	99.9%	112,887	1,287	7,172	36,079	68,349	933,337	196,088	643,619	93,630	
Estimated total	100.0%	112,910	1,287	7,174	36,085	68,364	933,649	196,149	643,847	93,653	
Cities outside metropolitan areas	1,373,327										
Area actually reporting	99.3%	5,889	62	554	769	4,504	55,776	12,869	40,788	2,620	
Estimated total	100.0%	5,918	62	556	770	4,530	56,063	12,937	40,497	2,629	
Nonmetropolitan counties	1,605,521										
Area actually reporting	100.0%	3,373	69	282	163	2,859	26,710	10,699	14,089	1,922	
Estimated total	100.0%										
State Total	22,118,509	122,301	1,418	8,012	37,018	75,753	1,016,432	219,786	698,433	98,284	
Rate per 100,000 inhabitants		552.5	6.4	36.2	167.4	342.5	4,595.3	993.7	3,157.7	444.0	
UTAH											
Metropolitan Statistical Area	2,078,616										
Area actually reporting	98.1%	5,317	52	785	1,212	3,268	90,781	15,082	68,451	7,248	
Estimated total	100.0%	5,401	53	802	1,223	3,323	92,168	15,325	69,488	7,355	
Cities outside metropolitan areas	128,198										
Area actually reporting	91.9%	226	3	50	16	157	4,173	719	3,237	217	
Estimated total	100.0%	245	3	54	17	171	4,539	782	3,521	236	
Nonmetropolitan counties	144,653										
Area actually reporting	94.3%	188	2	34	14	138	2,504	624	1,717	163	
Estimated total	100.0%	199	2	36	15	146	2,655	662	1,820	173	
State Total	2,381,467	5,845	58	892	1,258	3,640	99,362	16,769	74,829	7,764	
Rate per 100,000 inhabitants		248.6	2.5	37.9	53.4	154.8	4,225.5	713.1	3,182.2	330.2	
VERMONT											
Metropolitan Statistical Area	203,769										
Area actually reporting	96.4%	344	4	55	34	251	5,334	1,153	3,944	237	
Estimated total	100.0%	352	4	55	35	258	5,521	1,189	4,089	243	
Cities outside metropolitan areas	197,181										
Area actually reporting	100.0%	225	1	46	19	159	5,215	792	4,227	196	
Estimated total	100.0%										
Nonmetropolitan counties	218,157										
Area actually reporting	100.0%	105	9	20	6	70	2,885	977	1,701	207	
Estimated total	100.0%										
State Total	619,107	682	14	121	60	487	13,621	2,958	10,017	646	
Rate per 100,000 inhabitants		110.2	2.3	19.5	9.7	78.7	2,260.1	477.8	1,618.0	104.3	
VIRGINIA											
Metropolitan Statistical Area	6,295,851										
Area actually reporting	99.2%	18,115	373	1,498	6,306	9,938	177,667	24,735	136,521	16,411	
Estimated total	100.0%	18,324	375	1,516	6,363	10,070	179,518	24,986	137,964	16,568	
Cities outside metropolitan areas	265,881										
Area actually reporting	96.6%	754	5	79	149	521	8,099	979	6,684	436	
Estimated total	100.0%	780	5	82	154	539	8,383	1,013	6,919	451	
Nonmetropolitan counties	824,598										
Area actually reporting	97.6%	1,240	32	171	151	886	11,543	2,849	7,821	873	
Estimated total	100.0%	1,271	33	175	155	908	11,830	2,920	8,015	895	
State Total	7,386,330	20,375	413	1,773	6,672	11,817	199,731	28,919	152,898	17,914	
Rate per 100,000 inhabitants		275.8	5.6	24.0	90.3	155.9	2,704.1	391.5	2,070.0	242.5	
WASHINGTON											
Metropolitan Statistical Area	5,366,728										
Area actually reporting	99.9%	19,625	167	541	5,518	11,479	261,672	51,146	171,859	38,667	
Estimated total	100.0%	19,643	167	541	5,523	11,489	261,989	51,198	172,079	38,712	
Cities outside metropolitan areas	323,537										
Area actually reporting	95.7%	841	3	215	130	493	17,777	3,231	13,575	971	
Estimated total	100.0%	879	3	225	136	515	18,570	3,375	14,181	1,014	
Nonmetropolitan counties	441,180										
Area actually reporting	88.2%	664	12	154	52	446	9,683	3,257	5,639	787	
Estimated total	100.0%	754	14	175	59	506	10,985	3,695	6,397	893	
State Total	6,131,445	21,776	184	2,864	5,718	12,510	291,544	58,368	192,657	40,619	
Rate per 100,000 inhabitants		347.0	3.0	46.7	93.3	204.0	4,754.9	950.3	3,142.1	662.5	
WEST VIRGINIA											
Metropolitan Statistical Area	969,502										
Area actually reporting	91.7%	2,866	29	182	563	2,092	25,729	6,141	18,295	2,293	
Estimated total	100.0%	3,041	30	187	586	2,238	28,672	6,488	19,768	2,416	
Cities outside metropolitan areas	226,821										
Area actually reporting	82.3%	473	3	32	58	380	4,198	830	3,167	201	
Estimated total	100.0%	575	4	39	70	462	5,100	1,008	3,848	244	
Nonmetropolitan counties	594,031										
Area actually reporting	86.1%	900	25	60	64	751	7,702	2,310	4,648	744	
Estimated total	100.0%	1,045	29	70	74	872	8,942	2,682	5,396	864	
State Total	1,810,384	4,661	63	296	730	3,572	42,714	10,178	29,812	3,524	
Rate per 100,000 inhabitants		257.5	3.5	16.4	40.3	197.3	2,399.4	562.2	1,602.6	194.7	
WISCONSIN											
Metropolitan Statistical Area	3,955,013										
Area actually reporting	97.2%	10,340	159	937	4,248	4,996	124,460	19,927	93,776	10,757	
Estimated total	100.0%	10,432	160	952	4,266	5,054	126,387	20,270	95,261	10,856	
Cities outside metropolitan areas	610,884										
Area actually reporting	99.0%	980	4	144	86	746	19,669	2,523	16,437	709	
Estimated total	100.0%	989	4	145	87	753	19,862	2,548	16,598	716	
Nonmetropolitan counties	906,402										
Area actually reporting	100.0%	674	17	101	33	523	11,498	3,744	7,006	748	
Estimated total	100.0%										
State Total	5,472,299	12,895	181	1,190	4,386	6,330	157,747	26,562	118,066	12,330	
Rate per 100,000 inhabitants		221.0	3.3	21.9	80.1	115.7	2,882.6	485.4	2,172.1	225.1	

WYOMING

Metropolitan Statistical Area	150,994									
Area actually reporting	100.0%	338	6	51	46	235	6,529	1,052	5,106	371
Count outside metropolitan areas	208,513									
Area actually reporting	97.5%	612	4	59	29	520	7,666	1,039	6,319	308
Estimated total	100.0%	627	4	60	30	533	7,859	1,065	6,478	316
Nonmetropolitan counties	141,735									
Area actually reporting	95.8%	335	4	24	8	299	2,164	473	1,585	106
Estimated total	100.0%	349	4	25	8	312	2,260	494	1,655	111
State Total	981,242	1,314	14	136	84	1,880	16,640	2,611	13,239	798
Rate per 100,000 inhabitants		262.1	2.8	27.1	16.8	215.5	3,321.3	520.9	2,641.2	159.2

¹ Includes offenses reported by the Zoological Police and the Metro Transit Police.

² Limited data for 2003 were available for Illinois and Kentucky. See Offense Estimation, Appendix I, for details.

NOTE: Although arson data are included in the trend and clearance tables, sufficient data are not available to estimate totals for this offense.