

There is no doubt that substance abuse is a significant contributor to crime in Alaska. Yet even given this statement, we acknowledge that possession of small quantities of certain schedule IA or IIA substances for a first-time offender is more proportional to misdemeanor rather than felony behavior. The expectation is that a misdemeanor penalty for a first offense can serve as a wakeup call and potentially deter offenders from future drug offenses or other crimes. Whether this same philosophy should apply to a second-time offender is a matter we ask the legislature to take under further consideration.

Subsequently, we also encourage additional deliberation on the quantities identified as “non-distributive” or “small amounts” as proposed in Senate Bill 56. The Alaska State Troopers’ Statewide Drug Enforcement Unit (SDEU) reports that an average per use of heroin is approximately 0.1 grams (100 milligrams) and an average per use of methamphetamine is 0.75 – 1.0 grams. In essence, just less than 500 milligrams of heroin would equate to about five uses and just less than 3 grams of methamphetamine would be about three to four uses. Though these could be considered user-level quantities, we urge closer scrutiny of these levels to avoid a potential unintended consequence of empowering street-level distributors.

Another issue relates to the 300 milligram threshold established for LSD. The SDEU reports they rarely encounter LSD in a measurable form. It is usually found in dosage units, with some of the liquid having been absorbed into a more solid form such as blotter paper, sugar cubes, or gelatin. The actual potency levels of each dosage unit can range from 30 to 100 micrograms (1/1,000,000 of a gram). Therefore, the threshold amount currently proposed equals approximately 300 doses.

There will also be impacts to the Scientific Crime Detection Laboratory (crime lab) within DPS. The minimum thresholds established by this bill will require testing of enough of the substance to meet the threshold.

For example, whereas now the crime lab may need to positively identify only one tablet to determine whether it was a prohibited substance, analysis of at least 15 tablets (if present) may now need to be analyzed to meet the threshold and burden of proof. This will impact the workload, but the crime lab will attempt to manage it within its current staffing.

In closing, we must be careful and thoughtful to ensure a balanced approach to protect the public from dangerous offenders while holding offenders accountable at the appropriate levels, whether it's a felony or misdemeanor. This is a worthy effort that DPS will continue to work with the legislature on.

Thank you.