

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 11  
 Bill Version: CSHB 179 (FIN)  
 (H) Publish Date: 4/25/01

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to underage drinking and drug offenses; and providing for an effective date." BRU Criminal Division  
 Sponsor House Judiciary Committee Component 3rd Judicial Dist: Anchorage  
 Requester House Judiciary Committee Component No. 2261

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	34.8	34.8	34.8	34.8	34.8	34.8
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	7.0	7.0	7.0	7.0	7.0	7.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment	6.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>49.3</b>	<b>42.8</b>	<b>42.8</b>	<b>42.8</b>	<b>42.8</b>	<b>42.8</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	49.3	42.8	42.8	42.8	42.8	42.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>49.3</b>	<b>42.8</b>	<b>42.8</b>	<b>42.8</b>	<b>42.8</b>	<b>42.8</b>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

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

CSHB 179 (JUD) would change the minor consuming or in possession statutes by increasing fines and creating a series of graduated sanctions for repeat offenses. Under this version, only second and subsequent underage drinking offenses would entitle the minor to a jury trial and public counsel. The first offense would be handled similar to a traffic citation.

The Division of Motor Vehicles reports that prior to the *Niedermeyer* decision, they revoked about 4,800 drivers' licenses per year for alcohol violations by minors. Not all these violations were pursued in court, because many police officers believed it was better and easier to simply refer the matter to DMV for license revocation. We will assume, however, that now all such violations will result in a citation being filed in court.

The citations for second and subsequent offenses would come to the Department of Law, and a file would be opened. Based on Division of Juvenile Justice historical data, we estimate approximately 1,300 such citations would be filed annually. We believe that

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 Approved by: Kathryn Daughhetee for Bruce M. Botelho, Attorney General Date 4/24/01  
 Agency: Department of Law

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**ANALYSIS CONTINUATION**

in approximately 1 percent of the cases the defendant would request a jury trial. The estimated 13 new jury trials per year statewide could be handled within existing Criminal Division resources.

The division could not, however, absorb the increased clerical duties associated with opening more than 1,300 new files each year, and dealing with the paperwork and pleadings in all those cases. We would need to add one Administrative Clerk II position in Anchorage, where we anticipate the most citations will be filed, for a first-year cost of \$49,344, including one-time equipment costs of \$6,500.