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243

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/3/87

FURTHER REFERRALS: Judiciary
Finance

DATE: _____

The Health, Education and Social Services Committee has considered HB 243

"An Act prohibiting certain sale and consumption of alcoholic beverages."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Chairman's signature

FISCAL NOTE

REQUEST

Revision Date: _____ Agency Affected: Public Safety
 Title: "An Act prohibiting certain sale and consumption of alcohol." BRU: Alaska State Troopers
 Sponsor: Rep. Schultz, Menard . . . Components: Detachments and C.I.B.
 Requestor: House HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JWR
2/11/87
Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691

Date: 2/6/88

Approved by Commissioner: Arthur English
Agency: Public Safety

Date: 2/6/88

Distribution: (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

BILL NO: HB 243

DATE: 4/8/87

TITLE: "An Act prohibiting certain sale and consumption of alcoholic beverages."

CONTACT: Major Walter J. Gilmour
Acting Director
Alaska State Troopers

The intent of this legislation is to provide statute sections which can be utilized to charge persons with furnishing alcoholic beverages to someone prohibited from consuming same by sentence of the court or conditions of parole/probation. Further, it provides the court with a means by which to impose a suspended sentence or suspended imposition of sentence if the defendant's conduct constituting the offense was substantially influenced by the consumption of an alcoholic beverage.

With reference to proposed Section .035 of A.S. 04.16; the following question arises: How does the licensee, agent, or employee know if the person to whom he is furnishing the alcoholic beverage is prohibited from consuming alcohol? This would be very difficult, if not impossible, to prove in court.

With reference to proposed Section .077 of A.S. 12.55; it appears that being intoxicated while committing an offense could be construed as justification by the court to suspend the sentence or a portion thereof; or impose a suspended imposition of sentence.

This proposed legislation does, however, provide probation/parole personnel an additional tool with which to enforce conditions of probation/parole imposed by the court.

In summary, this legislation contains both good and bad points.

The Division of Alaska State Troopers is neutral on this legislation.

William R. Nix
Acting Commissioner

POSTED IN DEPARTMENT OF PUBLIC SAFETY

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HB 243

Publish Date: _____

REQUEST

Revision Date: _____

Title: "An Act prohibiting certain sale and consumption of alcohol."

Sponsor: Rep. Schultz, Menard...

Requestor: H HESS

Agency Affected: Public Safety

BRU: Alaska State Troopers

Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan

Division: Alaska State Troopers

Phone: 269-5691

Date: 4/9/87

Approved by Commissioner: William R. Nix

Agency: Public Safety

Date: 5/1, 1987

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

page ____ of ____

JAM
4/10/87