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HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: JUDICIARY

BILL: HB 498

CURRENT VERSION:

SCHEDULED: FEBRUARY 24, 1988

SPONSOR: ULMER

PHONE NO: JUDY K.

CONTACT FILE: _____

BILL SUBJECT: THE DELIVERY OF CONTROLLED SUBSTANCES AND IMITATION CONTROLLED SUBSTANCES TO MINORS

SPONSOR BACKUP: _____

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
H&SS	JAY LIVEY/3030	ONLY CONCERNED WITH CHILDREN UNDER 18
LAW	STEPHANIE JOANNIDES/3600	

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
PUBLIC SAFETY		2/22/88	-0-	-0-

ACTION

<u>DATE</u>	<u>COMMENT</u>
2/24/88	HEARING: PASSED FROM HOUSE STATE AFFAIRS

STATE OF ALASKA
THE LEGISLATURE

POUCH V - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House State Affs:

2/24/88

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/15/88

FURTHER REFERRALS:

Judiciary

DATE: 2-24-88

The State Affairs Committee has considered HB 498

"An Act relating to the delivery of controlled substances and imitation controlled substances to minors."

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:

Clyde Davidson

David D. Dawley

Terry Martin

Lynne Hoffman

Scott ...

John ...

John ...

Chairman's signature

3
Controlled Sub Act '82

Speed Penalties: N10001

Age set: 19 - 24 years Age 20
existing power Assoc -

Age ↑ 21 -

Power Motor: Dist. motor -

Power - 19 - 20 4000

1940 21 2000 2000 2000
100 2000 1 -

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

COPY

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

February 18, 1988

SUBJECT: HB 498, sectional analysis
TO: Representative Fran Ulmer
FROM: Jack Chenoweth
Legislative Counsel

You have requested a sectional analysis of HB 498.

Stringent penalties are imposed for transactions involving delivery of controlled substances and imitation controlled substances to minors. Under current law, those penalties apply, generally, to delivery to persons under 19 years of age who are at least three years younger than the person delivering the substance. (The three year distinction arises out of concern that the proscribed transaction subject to more stringent penalties involve a genuine sale to a minor rather than a transmittal between persons of approximately the same age, one of whom is 19 or over and one of whom is just under that age.)

The changes made in HB 498 raise the age of persons to whom delivery is made from 19 to 21, maintaining the requirement that the person to whom the controlled substance or imitation controlled substance is delivered is at least three years younger than the person delivering the substance.

The changes apply as follows:

Section 1 amends AS 11.71.010(a), the provision defining misconduct involving controlled substances in the first degree by increasing the age of persons to whom delivery is made from 19 to 21. The provision is applicable to controlled substances on schedules IA, IIA, and IIIA, and generally cover transactions involving substances having the highest degree of danger or probable danger to a person or to the public. As a general summary of the most commonly

Representative Fran Ulmer

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February 18, 1988

known drugs and narcotics, the substances covered under this provision include opium and morphine (schedule IA), LSD, cocaine, and amphetamines (schedule IIA), and hashish and similar substances (schedule IIIA). Violation of AS 11.71.-010 is an unclassified felony.

Section 2 amends AS 11.71.030(a), the provision defining misconduct involving controlled substances in the third degree by increasing the age of persons to whom deliver is made from 19 to 21. The provision is applicable to controlled substances on schedules IVA, VA, and VIA, and generally cover transactions involving substances having significantly lesser danger or probable danger to a person or the public. As a general summary of the most commonly known drugs and narcotics, the substances covered under this provision include salts chemically related to phenobarbital (schedule IVA), certain designated narcotics listed on other schedules that are present in limited quantities (schedule VA), and, of course, marijuana (schedule VIA). Violation of AS 11.71.030 is a class B felony.

Section 3 amends AS 11.73.030, the provision defining misconduct involving imitation controlled substances. Violation of AS 11.73.030 is a class B felony.

JBC:gc
WKG1:0091

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "..delivery of controlled substances..
to minors."
Sponsor: Reps. Ulmer and Swackhammer
Requestor: State Affairs

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Criminal Investigation Bureau

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						
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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.

Prepared by: Francis C. Allan F.C.A.
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/22/88

Approved by Commissioner: Wayne Hooley, Dep. Comm. Date: 2-24-88
Agency: Public Safety

Distribution: (by preparer):
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Office of Management and Budget
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