

SB 27

2/17/88  
H (Field)  
\*ben (File)

# Fiscal Notes

BILL VERSION: CSSB 27 (TRSP)

PUBLISH DATE: \_\_\_\_\_

*received  
& forwarded to  
House after  
bill R/O.*

## FISCAL NOTE

\_\_\_\_\_ to the crime of \_\_\_\_\_

Agency Affected: Public Safety

BRU: Alaska State Troopers

Components: Detachments, C.I.B. and  
Narcotics

(Thousands of Dollars)

	FY88	FY89	FY90	FY91	FY92	FY93
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.

*JNR  
2/11/88*

Prepared by: Francis C. Allan *G.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)

**RECEIVED**

FEB 13 1988

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 27 (TRSP)  
PUBLISH DATE: \_\_\_\_\_

2/17/88  
H (Final)  
then (Final)

FISCAL NOTE

REQUEST

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: "An Act relating to the crime of  
conspiracy." BRU: Alaska State Troopers  
Sponsor: Sen. Rodey Components: Detachments, C.I.B. and  
Requestor: Senate Finance Narcotics

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.

JNR  
2/11/88

Prepared by: Francis C. Allan F.C.A. Phone: 269-5691  
Division: Alaska State Troopers Date: 2/6/88

Approved by Commissioner: Arthur English Date: 2/6/88  
Agency: Public Safety

Distribution: (by preparer):

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

RECEIVED  
FEB 13 1988

Fiscal Notes  
received  
& forwarded to  
House after  
bill R/O.

2/12/88 H Gud

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 27 (JUD)  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the crime of  
conspiracy."  
Sponsor: Sen. Rodey  
Requestor: House Judiciary

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	0	0	0	0	0	0
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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.

JNR  
2/9/88

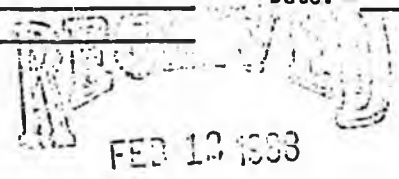
Prepared by: Francis C. Allan *F.C.A.*  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 1/29/88

Approved by Commissioner: Arthur English *A.A.H.*  
Agency: Public Safety

Date: 1/29/88

- Distribution: (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)



4/2/88 HQ

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 27  
PUBLISH DATE: 5/7/87

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the  
crime of conspiracy"  
Sponsor: Senator Pat Rodey  
Requestor: Judiciary and Finance

Agency Affected: Department of Administration  
BRU: Public Defender Agency  
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		153.3	159.4	165.8	172.4	179.3
TRAVEL		5.0	5.2	5.4	5.6	5.8
CONTRACTUAL		10.0	10.4	10.8	11.2	11.6
SUPPLIES		2.5	2.6	2.7	2.8	2.9
EQUIPMENT		6.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		176.8	177.6	184.7	192.0	199.6

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		176.8	177.6	184.7	192.0	199.6
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

(See attached)

Prepared by: Dana Fabe, Public Defender Phone: 279-7541  
Division: Public Defender Agency Date: January 21, 1988

Approved by Commissioner: John Andrews Date: 2/10/88  
Agency: Department of Administration

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

LEGISLATIVE FINANCE

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 27

This bill is intended to assist Alaskan state law enforcement authorities in combatting the criminal efforts of groups organized for illegal purposes. Senate Bill 27 apparently limits its prescriptions to criminals in drug distribution and prostitution schemes. It must be assumed that numerous prosecutions will be pursued under this statute because of the current frequency of arrests for the substantive offenses involved.

The Public Defender Agency must assume that it will be appointed in a large number of such prosecutions just as it is currently appointed with great frequency in drug and prostitution cases.

Cases filed under conspiracy statutes on the federal level and in other states routinely involve substantial attorney time, particularly for preparation of pre-trial motions. Due to the fact that the Department of Law's investigation activity will probably focus on urban areas, the Public Defender is requesting one experienced attorney, a paralegal and a clerk typist to handle representation of clients charged under this bill.

## BUDGET ANALYSIS

<u>Personal Services:</u>	Attorney IV	74.8	
	Associate Attorney I	49.2	
	Clerk/Typist III	29.3	
			153.3
<u>Travel:</u>	Expert Witnesses, Investigation, etc.		5.0
<u>Contractual:</u>	Expert Witnesses, Space, etc.		10.0
<u>Supplies:</u>	Office, Law Library, etc.		2.5
<u>Equipment:</u>	(One time) Furniture, Office Machines, etc.		<u>6.0</u>
		TOTAL	176.8

Position Title <b>Attorney IV</b>		No. of Positions <b>1</b>	Range/Step <b>24A</b>	Barg. Unit <b>PX</b>	
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>92</b>	
Type of Expenditure		Justification			
		<p>This senior felony attorney will be stationed in Anchorage, but will represent defendants on a statewide basis.</p>			
<b>1</b>	<b>2</b>				<b>3</b>
Salary	\$56,244.00				
Benefits	18,129.00				
Premium Pay					
Other					
<b>Total Personal Services</b>					<b>\$74,373.00</b>
Travel					5,000.00
Contractual					10,000.00
Commodities					1,000.00
Equipment					2,000.00
Other					-0-
<b>Total Cost</b>					<b>\$92,373.00</b>
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$92,373.00			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

**FY 89**

Page 3 of 5  
 Revised Date 1/21/88

Position Title		Associate Attorney I		No. of Positions	1	Range/Step	17A	Barg. Unit	PX
Time Status		Staff Months		Location		Election District			
PFT		12		Anchorage		92			
				Justification					
				This Associate Attorney I will be based in Anchorage but will travel statewide to provide investigative and paralegal services to the case attorney.					
Type of Expenditure			Amount						
1			2			3			
Salary			\$34,920.00						
Benefits			14,241.00						
Premium Pay									
Other									
Total Personal Services						\$49,161.00			
Travel						-0-			
Contractual						-0-			
Commodities						500.00			
Equipment						2,000.00			
Other						-0-			
Total Cost						\$51,661.00			
Funding Source for Total Cost									
Federal Receipts		1002							
G. F. Match		1003							
General Fund		1004		\$51,661.00					
GF Program Receipts		1005							
Other									

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

**FY 89**

Page 4 of 5  
 Revised Date 1/21/88

Position Title Clerk Typist III		No. of Positions 1	Range/Step BA	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District 92
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	\$19,572.00			
Benefits	9,742.00			
Premium Pay				
Other				
Total Personal Services		\$29,314.00		
Travel		-0-		
Contractual		-0-		
Commodities		1,000.00		
Equipment		2,000.00		
Other		-0-		
Total Cost		\$32,314.00		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	\$32,314.00		
GF Program Receipts	1005			
Other				

This Clerk Typist III will be based in Anchorage and will provide clerical support services to the case attorney and associate attorney.

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

Page 5 of 5  
 Revised Date 1/21/88

**FY 89**

FISCAL NOTE

REQUEST:

Revision Date: 1/21/88  
Title: "An Act relating to the crime of conspiracy..."  
Sponsor: Rodey, Halford, et al.  
Requestor: Judiciary, Finance

Agency Affected: Administration  
BRU: Office of Public Advocacy

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	103.7	107.8	112.1	116.6	121.3
TRAVEL		5.0	5.2	5.4	5.6	5.8
CONTRACTUAL		85.0	88.4	91.9	95.6	99.4
SUPPLIES		2.5	2.6	2.7	2.8	2.9
EQUIPMENT		6.0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	202.2	204.0	212.1	220.6	229.4

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	202.2	204.0	212.1	220.6	229.4
FEDERAL FUNDS						
OTHER						
TOTAL		202.2	204.0	212.1	220.6	229.4

POSITIONS:

FULL-TIME	0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

*Brant McGee*

Prepared by: Brant McGee  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: 1/20/88

Approved by Commissioner: John Andrews  
Agency: Department of Administration

Date: 2/1/88

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

FEB 3 1988

LEGISLATIVE FINANCE

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 27

Prepared by the Office of Public Advocacy

This bill is intended to assist Alaskan state law enforcement authorities in combatting the criminal efforts of groups organized for illegal purposes. Senate Bill 27 apparently limits its prescriptions to criminals in drug distribution and prostitution schemes. It must be assumed that numerous prosecutions will be pursued under this statute because of the current frequency of arrests for the substantive offenses involved.

The Public Defender Agency and the Office of Public Advocacy must assume that it will be appointed in a large number of such prosecutions just as it is currently appointed with great frequency in drug and prostitution cases.

Cases filed under conspiracy statutes on the federal level and in other states routinely involve substantial attorney time, particularly for preparation of pre-trial motions. Due to the fact that the Department of Law's investigation activity will probably focus on urban areas, the Office of Public Advocacy is requesting one experienced attorney and a clerk typist to handle representation of clients charged under this bill.

Enactment of this statute is intended to allow the prosecution of multiple co-defendants. The Office of Public Advocacy is responsible by statute for providing legal representation to all indigent defendants with whom the Public Defender Agency has a conflict of interest. While staff attorneys can represent one co-defendant, in a given case the Office of Public Advocacy must contract with private counsel for the representation of all other co-defendants determined to be indigent by the court. It is anticipated that the complexity of this litigation will dictate high contract costs which are estimated at \$15,000 per defendant. The Department of Law has not estimated the number of prosecutions it will initiate during FY 88. The projected \$75,000 in contract costs is thus based on the assumption the Office of Public Advocacy will be responsible for only five defendants for which it cannot provide staff coverage.

CSSB 27. FISCAL ANALYSIS

<u>Personal Services:</u>	Attorney IV	74.4	
	Clerk Typist III	29.3	
			\$103.7
<u>Travel:</u>	Expert Witnesses, Investigation, etc.		5.0
<u>Contractual:</u>	Contract Attorneys	\$75.0	
	Expert Witnesses, Space, etc.	10.0	
			85.0
<u>Supplies:</u>	Office, Law Library, etc.		2.5
<u>Equipment:</u>	(One Time) Furniture, Office Machines, etc.		<u>6.0</u>
			Total
			\$202.2

Position Title <b>Attorney IV</b>		No. of Positions	Range/Step <b>24/A</b>	Barg. Unit <b>X</b>	
Time Status <b>PFS</b>	Staff Months <b>12</b>	Location <b>EBA-Anchorage</b>		Election District <b>8</b>	
Type of Expenditure		Justification			
		<p>The Anchorage OPA office presently has 3 attorney positions devoted to criminal defense. These attorneys are also handling several major cases outside the Anchorage area as staff coverage and travel is more cost effective than contracting major cases to private attorneys in rural areas. Current caseloads indicate that these three attorneys cannot absorb the additional cases which would result from this legislation. It is necessary that an additional attorney be added to the Anchorage staff to cover the resultant increased caseload.</p>			
Amount					
1	2				3
Salary	56,244				
Benefits	18,132				
Premium Pay					
Other					
Total Personal Services					74,376
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost		74,376			
Funding Source for Total Cost					
Federal Receipts 1002					
G. F. Match 1003					
General Fund 1004		74,376			
GF Program Receipts 1005					
Other					

**Request For  
New Position**

Agency Administration  
 BRU Office of Public Advocacy  
 Component \_\_\_\_\_

**FY 89**

Page 4 of 5  
 Revised Date \_\_\_\_\_

Position Title <b>Clerk Typist III</b>		No. of Positions <b>1</b>	Range/Step <b>8/A</b>	Barg. Unit <b>G</b>	
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>EBA-Anchorage</b>		Election District <b>8</b>	
Type of Expenditure		Justification			
		<p>The Anchorage OPA office presently has 3 legal secretary positions providing clerical support to 12 professional positions, 2 vista volunteers, and the VGAL program. The addition of an attorney with a full caseload necessitates the addition of another typist. The clerical workload generated by an additional attorney position cannot be absorbed by the current secretarial staff.</p>			
Amount					
1	2				3
Salary	19,572				
Benefits	9,747				
Premium Pay					
Other					
Total Personal Services					29,319
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost		29,319			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	29,319			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Administration  
 BRU Office of Public Advocacy  
 Component \_\_\_\_\_

Page 5 of 5  
 Revised Date \_\_\_\_\_

**FY 89**

H (Jud) F  
1/20/88

FISCAL NOTE

REQUEST:

Revision Date: January 22, 1988  
Tide: "An Act relating to the crime of conspiracy..."  
Sponsor: Senator Rodev  
Requestor: House Judiciary

Agency Affected: Department of Law  
BRU: Prosecution  
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		148.3	152.7	157.3	162.0	166.9
TRAVEL		10.8	11.1	11.4	11.7	12.1
CONTRACTUAL		17.4	17.9	18.4	19.0	19.6
SUPPLIES		11.4	11.7	12.1	12.5	12.9
EQUIPMENT		9.5	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		197.4	193.4	199.2	205.2	211.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		197.4	193.4	199.2	205.2	211.4
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
Division: Administrative Services Date: January 22, 1988  
Approved by Commissioner: Richard I. Pegues / FOR 1  
Grace Berg Schaible, Atty. Gen. Date: January 22, 1988  
Agency: Department of Law

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

RECEIVED  
JAN 26 1988

LEGISLATIVE FINANCE

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 27 (Jud.)

This bill makes it a crime for two or more persons to "conspire" together to violate state or municipal laws regarding drugs, prostitution, or unlawful exploitation of a minor. Enactment of this bill will permit state attorneys to prosecute conspirators even though the crime that was the object of a conspiracy may not have been completed.

With the limits set by the bill, the major focus of enforcement attention will be upon the major narcotics rings which have appeared in the state during the last few years, although up to one major unlawful exploitation case may be expected each year.

Investigation and prosecution of large-scale drug trafficking cases is extremely time-consuming and labor intensive, as would also be the investigation and prosecution of prostitution or a child exploitation ring. Major narcotics rings are carefully planned and organized, and it requires the same degree of planning and organization to detect, investigate, infiltrate, and ultimately break the rings. A good example is the single big drug case that the state was able to pursue in FY 85 -- the "Black Gold" heroin ring in Anchorage. The case involved 29 separate individuals (most charged with selling heroin), almost all of whom were granted separate trials, thus creating 29 cases out of a single operation. So far there have been no acquittals, although a few defendants have fled the state and are now fugitives.

The "Black Gold" investigation required the "full-time" (12 hours a day, 6 or 7 days a week) direction and legal assistance of two experienced prosecutors for over two months. In addition to obtaining over 25 search warrants, the prosecutors consulted on a daily, sometimes hourly, basis with and guided the efforts of three teams of officers: a "surveillance" team varying from 10-20 officers to keep track of the members of the ring; a "buy" team of 4-8 officers working closely with informants to purchase narcotics; and an "investigation" team of 2-6 officers who compile telephone records and other evidence in order to discover links between individuals and organizations.

Under a conspiracy law, the scope of enforcement authority would be expanded to include more persons involved in the ring, leading to larger and more complicated investigations and prosecutions, but leading to more effective enforcement of our drug, prostitution and child exploitation laws. Effective enforcement of these laws, especially at this point in Alaska's history, is critical. With the opening of the new international wing at the Anchorage airport, there has been an increase in the number of international flights with passengers "off-loading" in Anchorage. With new routes of access to Alaska, and new types to drugs to deal in, traffickers will have a field day. We must try to prevent the infiltration into the state of new organizations intended to fill the void left by the prosecution of the

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 27 (Jud.)

Resek-Marin family (FY 84), the Black Gold ring (FY 85) and, most recently, the Azzarella-Serra organizations (FY 86). Likewise, the State's current economic downturn makes those suffering from sharply reduced incomes particularly vulnerable to prostitution and child exploitation schemes.

Considering the increase in sophisticated narcotics trafficking, and the efforts necessary to adequately meet this threat, the Department of Law believes that it will need the dedicated services of at least two full-time attorneys, a paralegal, and a secretary in Anchorage. The U.S. Department of Justice recently awarded \$823,000 in federal grant monies to the state under the Anti-Drug Abuse Act of 1986. Most of these monies will be subgranted to the Department of Public Safety; however, up to \$170,000 will be retained by the Department of Law to fund two attorney positions. One of these positions must be dedicated to handling forfeitures of contraband, vehicles and weapons seized from drug dealers. Consequently, only one grant funded attorney, without support personnel, will be available for the investigation and prosecution of major drug traffickers. The department is therefore requesting fiscal note funds to pay for one additional prosecutor, one paralegal assistant, and one legal secretary. This is particularly appropriate if consipracies other than drug trafficking are to be prosecuted because the federal drug grant funded positions can only be used for anti-drug enforcement/prosecution purposes. It is anticipated that federal grant monies, to pay for the other drug prosecutor, and the forfeitures attorney, will be available at least through FY 90.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 27 (Jud.)

## Fiscal Summary - CSSB 27 (Jud.)

	<u>Atty IV</u>	<u>P/A II</u>	<u>Leg. Sec. I</u>	<u>Total</u>
71000	72.3	43.9	32.1	148.3
72000	5.4	5.4	-0-	10.8
73000	6.6	6.6	4.2	17.4
74000	4.2	4.2	3.0	11.4
75000	1.5	1.5	6.5	9.5
	<hr/>	<hr/>	<hr/>	<hr/>
Total	90.0	61.6	45.8	197.4

Costs beyond FY 89 include a 3% annual inflation factor, less one-time equipment costs.



Position Title <b>Paralegal Assistant II</b>		No. of Positions <b>1</b>	Range/Step <b>16A</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>EBA - Anchorage</b>		Election District <b>8</b>
Justification				
Type of Expenditure		Amount		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	<b>34,424</b>			
Benefits	<b>11,847</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>43,911</b>		
Travel		<b>5,400</b>		
Contractual		<b>6,600</b>		
Commodities		<b>4,200</b>		
Equipment		<b>1,500</b>		
Other				
<b>Total Cost</b>		<b>61,611</b>		
Funding Source for Total Cost				
Federal Receipts	<b>1002</b>			
G. F. Match	<b>1003</b>			
General Fund	<b>1004</b>	<b>61,611</b>		
GF Program Receipts	<b>1005</b>			
Other				

This is the second of three positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs, prostitution, and child exploitation. Investigation and prosecution of large-scale drug trafficking cases, prostitution, and child exploitation rings is extremely time consuming and labor intensive and will require the services of a skilled paraprofessional in the preparation of evidence. Allocation to the paralegal assistant II, full working level is recommended.

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

Page 2 of 3  
 Revised Date 1/22/88

**FY 89**

Position Title <b>Legal Secretary I</b>		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status <b>PFT</b>	Staff Months 12	Location <b>EBA - Anchorage</b>		Election District 8
Type of Expenditure		Justification		
		This is the third of three positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs, prostitution, and child exploitation. Investigation and prosecution of large-scale drug trafficking cases, prostitution, and child exploitation rings is extremely time consuming and labor intensive and generates substantial legal documentation, including: search warrants, subpoenas, motions, affidavits, and legal memoranda. Consequently, full-time secretarial services will be required. Allocation to the legal secretary I level is recommended in view of the heavy documentation load.		
Amount				
1	2	3		
Salary	22,716			
Benefits	9,334			
Premium Pay				
Other				
Total Personal Services		32,050		
Travel		-0-		
Contractual		4,200		
Commodities		3,000		
Equipment		6,500		
Other				
Total Cost		45,750		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	45,750		
GF Program Receipts	1005			
Other				

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

Page 3 of 3  
 Revised Date 1/22/88

**FY 89**

SENATE COMMITTEE REPORT

FURTHER:

5/7/87

DATE TURNED INTO OFFICE 5/14/87

Mr. President:

FINANCE Committee considered SB 27

crime of conspiracy

and recommended:

replace with CS FOR \_\_\_\_\_ )  same title  
 or adopt \_\_\_\_\_ CS FOR SB 27 (Jud) )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted SFC

Committee  attached or  adopted fiscal note(s)

new  updated or  previous

zero  fiscal impact

MEMBERS SIGNING DO PASS

\_\_\_\_\_  
Paul Frost.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS

Paul Frost (No Rec)  
Jim Duncan (No Rec)  
Rich (No Rec)  
W. Keefe (No Rec)  
\_\_\_\_\_  
\_\_\_\_\_

Alma Bales No Rec.  
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version : CSSB 27(Jud)

Publish Date : \_\_\_\_\_

**REQUEST:** \_\_\_\_\_

Revision Date: 13 May, 1987  
 Title: "An act relating to the crime of  
 conspiracy":  
 Sponsor: Sen Rodey  
 Requestor: \_\_\_\_\_

Agency Affected: Department of Law  
 BRU: Prosecution  
 Components: Third Judicial District

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	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)

\_\_\_\_\_

Prepared by: Michael Thill  
 Division: Senator Zharoff's Staff

Phone: 465-4922  
 Date: 13 May, 1987

Approved by Commissioner: Senator Zharoff  
 Agency: Senate Finance Committee

Date: 13 May, 1987

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)  
 Senate Secretary

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_  
 Revision Date: 13 May, 1987  
 Title: An act relating to the crime of  
conspiracy:  
 Sponsor: Sen Rodev  
 Requestor: \_\_\_\_\_

Bill Version: CSSB 27 (Jud)  
 Publish Date: \_\_\_\_\_

Agency Affected: Administration  
 BRU: Office of Public Advocacy  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	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)

Prepared by: Michael Thill  
 Division: Senator Zharoff's Staff

Phone: 465-4922  
 Date: 13 May 1987

Approved by Commissioner: Senator Zharoff  
 Agency: Senate Finance Committee

Date: 13 May 1987

Distribution (by preparer):

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

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version: CSSB 27(Jud)  
Publish Date: \_\_\_\_\_

Revision Date: 13 May, 1987

Title: An act relating to the crime of conspiracy;

Agency Affected: Department of Administration  
BRU: Public Defender Agency

Sponsor: Sen Rodey

Requestor: \_\_\_\_\_

Components: Third Judicial District

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	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)

Prepared by: Michael Thill  
Division: Senator Zharoff's Staff

Phone: 465-4922  
Date: 13 May, 1987

Approved by Commissioner: Senator Zharoff  
Agency: Senate Finance Committee

Date: 13 May, 1987

Distribution (by preparer):

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

ADOPTED  
5/14/87

Proposed Senate Finance Committee Letter of Intent for CSSB  
27(Jud):

Due to the difficulty in projecting estimates for the crime of conspiracy, it is the intent of the Senate Finance Committee to attach zero fiscal notes to CSSB 27(Jud). Additionally, if appropriations in the FY88 operating budget for the Office of Public Advocacy, the Public Defender Agency, and the Department of Law are inadequate to meet the statutorily imposed mandate of CSSB 27(Jud), those agencies may seek additional funding through supplemental appropriations.

Original sponsors: Rodey, Halford,  
Szymanski, et al.

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 27 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the crime of conspiracy to commit  
7 a felony involving delivery of certain controlled  
8 substances, promotion of prostitution, or unlawful  
9 exploitation of a minor."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 11.31 is amended by adding new sections to read:

12 Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime  
13 of conspiracy if, with the intent to promote or facilitate a felony  
14 offense relating to the delivery of a controlled substance under  
15 AS 11.71.010 - 11.71.040, a felony offense relating to promotion of  
16 prostitution under AS 11.66.110 - 11.66.120, or unlawful exploitation  
17 of a minor under AS 11.41.455, the offender agrees with one or more  
18 persons to engage in or cause the performance of that offense and the  
19 offender or one of the persons does an overt act in furtherance of the  
20 conspiracy.

21 (b) If an offender commits the crime of conspiracy and knows  
22 that a person with whom the offender conspires to commit a crime has  
23 conspired or will conspire with another person or persons to commit  
24 the same crime, the offender is guilty of conspiring with that other  
25 person or persons to commit that crime, whether or not the offender  
26 knows their identities.

27 (c) In a prosecution under this section, it is not a defense

28 (1) that the defendant belongs to a class of persons who by  
29 definition are legally incapable in an individual capacity of

1 committing a crime that is an object of the conspiracy; or

2 (2) that a person with whom the defendant conspires could  
3 not be guilty of a crime that is an object of the conspiracy because  
4 of

5 (A) lack of criminal responsibility or other legal  
6 incapacity or exemption;

7 (B) unawareness of the criminal nature of the conduct  
8 in question or of the criminal purpose of the defendant; or

9 (C) any other factor precluding the culpable mental  
10 state required for the commission of the crime.

11 (d) In a prosecution under this section, it is a defense that,  
12 if the criminal objective were achieved, the defendant would not be  
13 legally accountable under AS 11.16.120(b) for the conduct of the  
14 person with whom the defendant conspired.

15 (e) In a prosecution under this section it is an affirmative  
16 defense that the defendant, under circumstances manifesting a volun-  
17 tary and complete renunciation of the defendant's criminal intent,  
18 gave timely warning to law enforcement authorities or otherwise made  
19 proper effort to prevent the commission of the crime that was the  
20 object of the conspiracy. Renunciation by one conspirator does not  
21 affect the liability of another conspirator who does not join in the  
22 renunciation.

23 (f) The liability of a conspirator for offenses committed in  
24 furtherance of the conspiracy, including a crime that is an object of  
25 the conspiracy, shall be determined under AS 11.16.

26 (g) A person may not be convicted under this section solely on  
27 the basis of the uncorroborated testimony of a person with whom the  
28 defendant conspired.

29 (h) Conspiracy is a

1 (1) class A felony if the object of the conspiracy is a  
2 crime punishable as an unclassified felony;

3 (2) class B felony if the object of the conspiracy is a  
4 crime punishable as a class A felony;

5 (3) class C felony if the object of the conspiracy is a  
6 crime punishable as a class B felony;

7 (4) class A misdemeanor if the object of the conspiracy is  
8 a crime punishable as a class C felony.

9 Sec. 11.31.125. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITA-  
10 TIONS OF ACTIONS. For purposes of applying AS 12.10 governing limita-  
11 tions of actions, in a prosecution under AS 11.31.120, conspiracy is a  
12 continuing course of conduct that terminates

13 (1) when all the crimes related to delivery of controlled  
14 substances, promotion of prostitution, or unlawful exploitation of a  
15 minor that are its object are completed;

16 (2) when the agreement is abandoned by the defendant and by  
17 the person with whom the defendant agreed; or

18 (3) as to an individual defendant, when the defendant  
19 abandons the agreement by advising the person with whom the defendant  
20 agreed of the defendant's abandonment or the defendant informs law  
21 enforcement authorities of the existence of the conspiracy and of the  
22 defendant's participation in it.

23 \* Sec. 2. AS 11.31.140 is amended to read:

24 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a  
25 defense to a prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100  
26 OR AS 11.31.110] that the crime that is the object of the attempt,  
27 conspiracy, or solicitation was actually committed pursuant to the  
28 attempt, conspiracy, or solicitation.

29 (b) A person may not be convicted of more than one crime defined

1 by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct  
2 designed to commit or culminate in commission of the same crime.

3 (c) A person may not be convicted on the basis of the same  
4 course of conduct of both (1) a crime defined by AS 11.31.100 - 11.-  
5 31.120 [AS 11.31.100 OR AS 11.31.110]; and (2) a crime that is an  
6 object of the attempt, conspiracy, or solicitation.

7 (d) This section does not bar inclusion of multiple counts in a  
8 single indictment or information charging commission of a crime de-  
9 fined by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] and  
10 commission of the crime that is the object of the attempt, conspiracy,  
11 or solicitation.

12 \* Sec. 3. AS 11.31.140 is amended by adding a new subsection to read:

13 (e) If a person conspires to commit more than one crime under  
14 AS 11.31.120, the person commits only one crime of conspiracy if the  
15 multiple crimes are the object of the same agreement.

B

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:**

Revision Date: January 30, 1987  
 Title: "An Act relating to the  
 crime of conspiracy"  
 Sponsor: Senator Rodev  
 Requestor: Judiciary and Finance

Bill Version: SB27  
 Publish Date: \_\_\_\_\_

Agency Affected: Department of Administration  
 BRU: Public Defender Agency

Components: Third Judicial District

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		147.9	153.8	160.0	166.4	173.1
TRAVEL		5.0	5.2	5.4	5.6	5.8
CONTRACTUAL		10.0	10.4	10.8	11.2	11.7
SUPPLIES		2.5	2.6	2.7	2.8	2.9
EQUIPMENT		6.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>171.4</b>	<b>172.0</b>	<b>178.9</b>	<b>186.0</b>	<b>193.5</b>

CAPITAL						
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REVENUE						
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**FUNDING:** (Thousands of Dollars)

*by SFC note*

GENERAL FUND	-0-	171.4	172.0	178.9	186.0	193.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>171.4</b>	<b>172.0</b>	<b>178.9</b>	<b>186.0</b>	<b>193.5</b>

**POSITIONS:**

FULL-TIME	-0-	3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

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

(See attached)

Prepared by: Lana Fabe, Public Defender Phone: 279-7541  
 Division: Public Defender Agency Date: January 30, 1987  
 Approved by Commissioner: [Signature] Date: 2/5/87  
 Agency: \_\_\_\_\_

**Distribution (by preparer):**

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 27

PREPARED BY THE PUBLIC DEFENDER AGENCY

This bill is intended to assist Alaskan state law enforcement authorities in combatting the criminal efforts of groups organized for illegal purposes. Senate Bill 27 apparently limits its prescriptions to criminals in drug distribution and prostitution schemes. It must be assumed that numerous prosecutions will be pursued under this statute because of the current frequency of arrests for the substantive offenses involved.

The Public Defender Agency must assume that it will be appointed in a large number of such prosecutions just as it is currently appointed with great frequency in drug and prostitution cases.

Cases filed under conspiracy statutes on the federal level and in other states routinely involve substantial attorney time, particularly for preparation of pre-trial motions. Due to the fact that the Department of Law's investigation activity will probably focus on urban areas, the Public Defender is requesting one experienced attorney, a paralegal and a clerk typist to handle representation of clients charged under this bill.

SB 27 FISCAL ANALYSIS

<u>Personal Services:</u>	Attorney IV	74.8	
	Paralegal II	44.8	
	Clerk/Typist III	28.3	
			147.9
<u>Travel:</u>	Expert Witnesses, Investigation, etc.		5.0
<u>Contractual:</u>	Expert Witnesses, Space, etc.		10.0
<u>Supplies:</u>	Office, Law Library, etc.		2.5
<u>Equipment:</u>	(One time) Furniture, Office Machines, etc.		<u>6.0</u>
		TOTAL	171.4

B3

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 27  
Publish Date: \_\_\_\_\_

REQUEST \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An Act Relating to the Crime of  
Conspiracy . . .  
Sponsor: Rodey, et al.  
Requestor: Senate Judiciary

Agency Affected: Administration  
BRU: Office of Public Advocacy  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES		103.1	107.2	111.5	116.0	120.6
TRAVEL		5.0	5.2	5.4	5.6	5.8
CONTRACTUAL		85.0	88.4	91.9	95.6	99.4
SUPPLIES		2.5	2.6	2.7	2.8	2.9
EQUIPMENT		6.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	201.6	203.4	211.5	222.0	228.7

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

*by SFC note*

GENERAL FUND	-0-	201.6	203.4	211.5	222.0	228.7
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	201.6	203.4	211.5	222.0	228.7

POSITIONS:

FULL-TIME	-0-	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary See attached.

Prepared By: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: February 2, 1987

Approved by Commissioner: Garrey Peska  
Agency: Department of Administration

Date: \_\_\_\_\_

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 27

Prepared by the Office of Public Advocacy

This bill is intended to assist Alaskan state law enforcement authorities in combatting the criminal efforts of groups organized for illegal purposes. Senate Bill 27 apparently limits its prescriptions to criminals in drug distribution and prostitution schemes. It must be assumed that numerous prosecutions will be pursued under this statute because of the current frequency of arrests for the substantive offenses involved.

The Public Defender Agency and the Office of Public Advocacy must assume that it will be appointed in a large number of such prosecutions just as it is currently appointed with great frequency in drug and prostitution cases.

Cases filed under conspiracy statutes on the federal level and in other states routinely involve substantial attorney time, particularly for preparation of pre-trial motions. Due to the fact that the Department of Law's investigation activity will probably focus on urban areas, the Office of Public Advocacy is requesting one experienced attorney and a clerk typist to handle representation of clients charged under this bill.

Enactment of this statute is intended to allow the prosecution of multiple co-defendants. The Office of Public Advocacy is responsible by statute for providing legal representation to all indigent defendants with whom the Public Defender Agency has a conflict of interest. While staff attorneys can represent one co-defendant, in a given case the Office of Public Advocacy must contract with private counsel for the representation of all other co-defendants determined to be indigent by the court. It is anticipated that the complexity of this litigation will dictate high contract costs which are estimated at \$15,000 per defendant. The Department of Law has not estimated the number of prosecutions it will initiate during FY 88. The projected \$75,000 in contract costs is thus based on the assumption the Office of Public Advocacy will be responsible for only five defendants for which it cannot provide staff coverage.

SB 27 FISCAL ANALYSIS

<u>Personal Services:</u>	Attorney IV	\$74.8	
	Clerk Typist III	28.3	
			\$103.1
<u>Travel:</u>	Expert Witnesses, Investigation, etc.		5.0
<u>Contractual:</u>	Contract Attorneys	\$75.0	
	Expert Witnesses, Space, etc.	10.0	
			85.0
<u>Supplies:</u>	Office, Law Library, etc.		2.5
<u>Equipment:</u>	(One Time) Furniture, Office Machines, etc.		<u>6.0</u>
		Total	\$201.6

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

*2/2/87 - Lock of  
SFC memo/R  
noted this  
date  
February*

**REQUEST:**  
 Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the crime  
 of conspiracy."  
 Sponsor: Sen. Rodey  
 Requestor: Senate Judiciary Committee

Bill Version: SB 27  
 Publish Date: \_\_\_\_\_

Agency Affected: Department of Law  
 BRU: Prosecution  
 Components: Third Judicial District

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		207.2	213.4	219.8	226.4	233.2
TRAVEL		16.2	16.7	17.2	17.7	18.2
CONTRACTUAL		24.2	24.9	25.6	26.4	27.2
SUPPLIES		15.6	11.1	11.4	11.7	12.1
EQUIPMENT		11.0	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>274.0</b>	<b>266.1</b>	<b>274.0</b>	<b>282.2</b>	<b>290.7</b>

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

*by SFC note*

GENERAL FUND		274.0	266.1	274.0	282.2	290.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME		4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

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

Please see attached analysis.

*Richard I. Pegues*

Prepared by: Richard I. Pegues, Director  
 Division: Administrative Services

Phone: 465-3672  
 Date: Jan. 29, 1987

Approved by Commissioner: Acting Attorney General  
 Agency: Department of Law

Date: Jan. 29, 1987

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 27

This bill makes it a crime for two or more persons to "conspire" together to violate state or municipal laws regarding drugs and prostitution. Enactment of this bill will permit state attorneys to prosecute conspirators even though the crime that was the object of a conspiracy may not have been completed.

With the limits set by the bill, the major focus of enforcement attention will be upon the major narcotics rings which have appeared in the state during the last few years.

Investigation and prosecution of large-scale drug trafficking cases is extremely time-consuming and labor intensive. Major narcotics rings are carefully planned and organized, and it requires the same degree of planning and organization to detect, investigate, infiltrate, and ultimately break the rings. A good example is the single big drug case that the state was able to pursue in FY 85 -- the "Black Gold" heroin ring in Anchorage. The case involved 29 separate individuals (most charged with selling heroin), almost all of whom were granted separate trials, thus creating 29 cases out of a single operation. So far there have been no acquittals, although a few defendants have fled the state and are now fugitives.

The "Black Gold" investigation required the "full-time" (12 hours a day, 6 or 7 days a week) direction and legal assistance of two experienced prosecutors for over two months. In addition to obtaining over 25 search warrants, the prosecutors consulted on a daily, sometimes hourly, basis with and guided the efforts of three teams of officers: a "surveillance" team varying from 10-20 officers to keep track of the members of the ring; a "buy" team of 4-8 officers working closely with informants to purchase narcotics; and an "investigation" team of 2-6 officers who compile telephone records and other evidence in order to discover links between individuals and organizations.

Under a conspiracy law, the scope of enforcement authority would be expanded to include more persons involved in the ring, leading to larger and more complicated investigations and prosecutions, but leading to more effective enforcement of our drug laws. Effective enforcement of these laws, especially at this point in Alaska's history, is critical. With the opening of the new international wing at the Anchorage airport, there has been an increase in the number of international flights with passengers "off-loading" in Anchorage. With new routes of access to Alaska, and new types of drugs to deal in, traffickers will have a field day. We must try to prevent the infiltration into the state of new organizations intended to fill the void left by the prosecution of the Resek-Marin family (FY 84), the Black Gold ring (FY 85) and, most recently, the Azzarella-Serra organizations (FY 86).

Considering the increase in sophisticated narcotics trafficking, and the efforts necessary to adequately meet this threat,

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 27

the Department of Law believes that it will need the dedicated services of at least two full-time attorneys, a paralegal, and a secretary in Anchorage. Previous fiscal notes on conspiracy legislation have been premised upon the existence of a sufficient capability within the Anchorage District Attorney's Office to adequately handle large scale narcotics prosecutions. However, in recent years, budget cutbacks have resulted in narcotics positions being unfunded and proposed budget cuts for FY 88 will make prosecution of these time-consuming cases impossible. Thus, in order to permit the division to prosecute narcotics conspiracy cases, funding must be restored so that a functioning narcotics unit exists.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 27

## Fiscal Summary - SB 27

	<u>Atty IV</u>	<u>Atty III</u>	<u>P/A II</u>	<u>Leg. Sec. I</u>	<u>Total</u>
71000	70.6	62.4	42.5	31.7	207.2
72000	5.4	5.4	5.4	-0-	16.2
73000	6.6	6.6	6.6	4.2	24.0
74000	4.2	4.2	4.2	3.0	15.6
75000	1.5	1.5	1.5	.6.5	11.0
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	88.3	80.1	60.2	45.4	274.0

Costs beyond FY 83 include a 3% annual inflation factor, less one-time equipment costs.

Position Title <b>Attorney IV</b>		No. of Positions <b>1</b>	Range/Step <b>24A</b>	Barg. Unit <b>PX</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>EBA - Anchorage</b>		Election District <b>8</b>
Type of Expenditure:		Amount		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	56,244			
Benefits	14,310			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>70,554</b>		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		1,500		
Other				
<b>Total Cost</b>		<b>88,254</b>		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	88,254		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
<p>This is the first of four positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs and prostitution. Investigation and prosecution of large-scale drug trafficking cases and prostitution rings is extremely time consuming and labor intensive and will require a minimum of two attorneys. Allocation to the full-working level of Attorney IV for this position is recommended because of the seriousness of the crimes being prosecuted.</p>				

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

Page 1 of 4  
 Revised Date

**FY 88**

Position Title <b>Attorney III</b>		No. of Positions <b>1</b>	Range/Step <b>22A</b>	Barg. Unit <b>PX</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>EBA - Anchorage</b>		Election District <b>8</b>
Justification				
This is the second of four positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs and prostitution. Investigation and prosecution of large-scale drug trafficking cases and prostitution rings is extremely time consuming and labor intensive and will require a minimum of two attorneys. Allocation to the Attorney III level is recommended because this position will assist the Attorney IV in the prosecution of serious crimes.				
Type of Expenditure		Amount		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	49,140			
Benefits	13,264			
Premium Pay				
Other				
Total Personal Services		62,404		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		1,500		
Other				
Total Cost		80,104		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	80,104		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

Page 2 of 4  
 Revised Date \_\_\_\_\_

**FY 88**

Position Title Paralegal Assistant II		No. of Positions 1	Range/Step 16A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
<b>Justification</b>				
This is the third of four positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs and prostitution. Investigation and prosecution of large-scale drug trafficking cases and prostitution rings is extremely time consuming and labor intensive and will require the services of a skilled para-professional in the preparation of evidence. Allocation to the paralegal assistant II, full working level is recommended.				
<b>Type of Expenditure:</b>			<b>Amount</b>	
1	2	3		
Salary	32,424			
Benefits	10,095			
Premium Pay				
Other				
Total Personal Services		42,519		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		1,500		
Other				
Total Cost		60,219		
<b>Funding Source for Total Cost</b>				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	60,219		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

Page 3 of 4  
 Revised Date

**FY 88**

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification				
This is the fourth of four positions that will be needed to provide prosecution services of defendants who conspire to violate state and municipal laws regarding drugs and prostitution. Investigation and prosecution of large-scale drug trafficking cases and prostitution rings is extremely time consuming and labor intensive and generates substantial legal documentation, including: search warrants, subpoenas, motions, affidavits, and legal memoranda. Consequently, full-time secretarial services will be required. Allocation to the legal secretary I level is recommended in view of the heavy documentation load.				
Type of Expenditure		Amount		
1	2	3		
Salary	23,460			
Benefits	8,192			
Premium Pay				
Other				
Total Personal Services		31,652		
Travel		-0-		
Contractual		4,200		
Commodities		3,000		
Equipment		6,500		
Other				
Total Cost		45,352		
Funding Source for Total Cost				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		45,352		
I-A Receipts 1006				
CIP Receipts 1061				
Other				

**Request For  
New Position**

Agency Department of Law  
 BRU Prosecution  
 Component Third Judicial District

Page 4 of 4  
 Revised Date

**FY 88**

1 IN THE SENATE

BY RODEY, HALFORD,  
SZYMANSKI AND FAIKS

2

SENATE BILL NO. 27

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the crime of conspiracy."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 11.31 is amended by adding new sections to read:

9           Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime  
10 of conspiracy if, with the intent to promote or facilitate an offense  
11 relating to the delivery of a controlled substance under AS 11.71.-  
12 010 - 11.71.050, an offense relating to prostitution or promotion of  
13 prostitution under AS 11.66.100 - 11.66.130, or an offense having  
14 similar elements under a municipal ordinance, the offender agrees with  
15 one or more persons to engage in or cause the performance of that  
16 offense and the offender or one of the persons does an overt act in  
17 furtherance of the conspiracy.

18           (b) If an offender commits the crime of conspiracy and knows  
19 that a person with whom the offender conspires to commit a crime has  
20 conspired or will conspire with another person or persons to commit  
21 the same crime, the offender is guilty of conspiring with that other  
22 person or persons to commit that crime, whether or not the offender  
23 knows their identities.

24           (c) In a prosecution under this section, it is not a defense

25           (1) that the defendant belongs to a class of persons who by  
26 definition are legally incapable in an individual capacity of com-  
27 mitting a crime that is an object of the conspiracy; or

28           (2) that a person with whom the defendant conspires could  
29 not be guilty of a crime that is an object of the conspiracy because

1 of

2 (A) lack of criminal responsibility or other legal  
3 incapacity or exemption;

4 (B) unawareness of the criminal nature of the conduct  
5 in question or of the criminal purpose of the defendant; or

6 (C) any other factor precluding the culpable mental  
7 state required for the commission of the crime.

8 (d) In a prosecution under this section, it is a defense that,  
9 if the criminal objective were achieved, the defendant would not be  
10 legally accountable under AS 11.16.120(b) for the conduct of the  
11 person with whom the defendant conspired.

12 (e) In a prosecution under this section it is an affirmative  
13 defense that the defendant, under circumstances manifesting a volun-  
14 tary and complete renunciation of the defendant's criminal intent,  
15 gave timely warning to law enforcement authorities or otherwise made  
16 proper effort to prevent the commission of the crime that was the  
17 object of the conspiracy. Renunciation by one conspirator does not  
18 affect the liability of another conspirator who does not join in the  
19 renunciation.

20 (f) The liability of a conspirator for offenses committed in  
21 furtherance of the conspiracy, including a crime that is an object of  
22 the conspiracy, shall be determined under AS 11.16.

23 (g) Conspiracy is a

24 (1) class A felony if the object of the conspiracy is a  
25 crime punishable as an unclassified felony;

26 (2) class B felony if the object of the conspiracy is a  
27 crime punishable as a class A felony;

28 (3) class C felony if the object of the conspiracy is a  
29 crime punishable as a class B or class C felony;

1 (4) class B misdemeanor if the object of the conspiracy is  
2 a crime punishable as a class A or B misdemeanor or is a violation of  
3 a municipal ordinance.

4 Sec. 11.31.125. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITA-  
5 TIONS OF ACTIONS. (a) For purposes of applying AS 12.10 governing  
6 limitations of actions, in a prosecution under AS 11.31.120, con-  
7 spiracy is a continuing course of conduct that terminates

8 (1) when all the crimes related to controlled substances,  
9 prostitution, and promotion of prostitution that are its object are  
10 completed;

11 (2) when the agreement is abandoned by the defendant and by  
12 the person with whom the defendant agreed; or

13 (3) as to an individual defendant, when the defendant  
14 abandons the agreement by advising the person with whom the defendant  
15 agreed of the defendant's abandonment or the defendant informs law  
16 enforcement authorities of the existence of the conspiracy and of the  
17 defendant's participation in it.

18 (b) For purposes of (a)(2) of this section, abandonment of an  
19 agreement is rebuttably presumed if neither the defendant nor anyone  
20 with whom the defendant conspired does an overt act in furtherance of  
21 the conspiracy during the applicable period of limitations.

22 \* Sec. 2. AS 11.31.140 is amended to read:

23 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a  
24 defense to a prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100  
25 OR AS 11.31.110] that the crime that is the object of the attempt,  
26 conspiracy, or solicitation was actually committed pursuant to the  
27 attempt, conspiracy, or solicitation.

28 (b) A person may not be convicted of more than one crime defined  
29 by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct

1 designed to commit or culminate in commission of the same crime.

2 (c) A person may not be convicted on the basis of the same  
3 course of conduct of both (1) a crime defined by AS 11.31.100 - 11.-  
4 31.120 [AS 11.31.100 OR AS 11.31.110]; and (2) a crime that is an  
5 object of the attempt, conspiracy, or solicitation.

6 (d) This section does not bar inclusion of multiple counts in a  
7 single indictment or information charging commission of a crime de-  
8 fined by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] and  
9 commission of the crime that is the object of the attempt, conspiracy,  
10 or solicitation.

11 \* Sec. 3. AS 11.31.140 is amended by adding a new subsection to read:

12 (e) If a person conspires to commit more than one crime under  
13 AS 11.31.120, the person commits only one crime of conspiracy if the  
14 multiple crimes are the object of the same agreement.

BILL NO: CSSB 27(JUD)

DATE: 5/11/87

TITLE: "An Act relating to the  
crime of conspiracy."

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

DEPARTMENT OF  
PUBLIC SAFETY

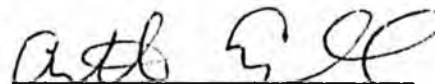
POSTAL

This legislation adds Sec. 11.31.120 & 125 and amends Sec. 11.31.140 to include the crime of conspiracy in cases involving narcotics and prostitution.

Passage of this bill will provide the criminal justice system with an effective tool in combating criminal enterprises in cases involving controlled substances and prostitution. Under existing statutes, law enforcement agencies are often unable to pursue the financial backers and organizers of these types of criminal activity, because such individuals and organizations generally do not get directly involved in the sale of drugs or direction of prostitutes. Conspiracy legislation will enable prosecution of these individuals who had previously been able to insulate themselves by using intermediaries to take risks for them.

The wording changes included in the Judiciary version of SB 27 are desirable and positive changes to the initial version.

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



ARTHUR ENGLISH  
Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: CSSB 27 (JUD)  
Publish Date: \_\_\_\_\_

REQUEST  
Revision Date: \_\_\_\_\_  
Title: "An Act relating to the crime  
of conspiracy."  
Sponsor: Sen. Rodey  
Requestor: Senate Finance

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Detachments & C.I.B.  
Narcotics

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

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  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 5/11/87

Approved by Commissioner: Arthur English *Arthur English*  
Agency: \_\_\_\_\_

Date: 5/11/87

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

*Update*

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 27  
Publish Date: \_\_\_\_\_

**REQUEST**  
Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: "An Act relating to the crime of conspiracy." BRU: Alaska State Troopers  
Sponsor: Sen. Rodey Components: Detachments & C.I.B.  
Requestor: Senate Judiciary Narcotics

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

CAPITAL	0	0	0	0	0	0
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REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

*JNR*  
*1/22/87* Prepared by: Francis C. Allan *F.C.A.*  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 1/16/87

Approved by Commissioner: *[Signature]*  
Agency: Public Safety

Date: 1/22/87

- Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version: Senate Bill No. 27

Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_

Agency Affected: Department of Corrections

Title: "An act relating to the crime of conspiracy"

BRU: \_\_\_\_\_

Sponsor: Senator Pat Rodey

Components: \_\_\_\_\_

Requestor: Senator Pat Rodey

**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						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
----------------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

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

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

The affects of inmate population will be negligible.

Prepared by: Susie Riley, Budget Analyst

Phone: 465-3376

Division: Administrative Services

Date: 01/29/87

Approved by <sup>city</sup> Commissioner: William W. Ladwig

Date: 01/29/87

Agency: Department of Corrections

**Distribution (by preparer):**

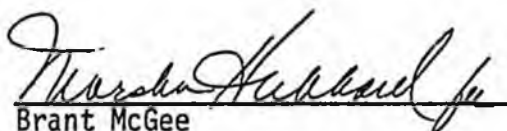
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

POSITION PAPER  
SB27

This bill will make criminal certain types of conduct related to efforts to promote prostitution or distribute illegal drugs.

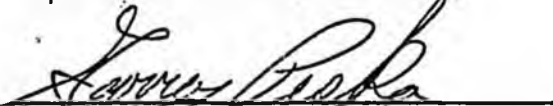
The Alaska Public Defender Agency and the Office of Public Advocacy are not law enforcement agencies and, therefore, are in no position to evaluate the need for this legislation. The fiscal impact of this bill will be determined by the types and frequency of prosecutions initiated by the Department of Law.

The Alaska Public Defender Agency and the Office of Public Advocacy have adopted a neutral position with respect to this legislation.



Brant McGee  
Public Advocate  
Office of Public Advocacy  
Department of Administration

February 2, 1987  
Date



Commissioner Garrey Peska  
Department of Administration

2/5/87  
Date

58 27

BILL NO: SB 27

DATE: 1/23/87

TITLE: "An Act relating to the  
crime of conspiracy."

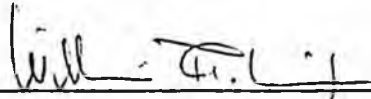
CONTACT: Major Walter J. Gilmour  
Acting Director

JAN 30 1987

This legislation adds Sec. 11.31.120 & 125 and amends Sec. 11.31.140 to include the crime of conspiracy in cases involving narcotics and prostitution.

Passage of this bill will provide the criminal justice system with an effective tool in combating criminal enterprises in cases involving controlled substances and prostitution. Under existing statutes, law enforcement agencies are often unable to pursue the financial backers and organizers of these types of criminal activity because such individuals and organizations generally do not get directly involved in the sale of drugs or prostitutes' services. Conspiracy legislation will enable prosecution of these individuals who had previously been able to insulate themselves by using intermediaries to take risks for them.

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



William R. Nix  
Acting Commissioner

POSTAL SERVICE / DEPARTMENT OF PUBLIC SAFETY