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SENATE COMMITTEE REPORT

FURTHER

3/8/89

DATE TURNED INTO OFFICE

4/27/89

Mr. President:

Finance

Committee considered

SB 16

crime of conspiracy as it relates to the delivery of a controlled substance and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS SB 16 (Jud)) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) ^{DOLaw: Courts} zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published 3/8/89

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Howe
Paul
[Signature]
1 rue

[Signature]

Chairman signature and recommendation

Committee Backup attached

R/O JFC 4-27-89

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Bill Version: CS SB 16 (JUD) (a)
 Publish Date: 3/10/89

Revision Date: 3/9/89 Agency Affected: Alaska Court System
 Title: An act defining the crime of BRU: Trial Courts
 conspiracy ... controlled substance
 Sponsor: Faiks, Kelly, Sturgulewski, ... Components:
 Requestor:

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94	
Personal Services	
Travel	
Contractual	
Supplies	
Equipment	
Land & Structures	
Grants & Claims	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	

CAPITAL

REVENUE

FUNDING:		(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0	
Federal Funds	.	.	.	.	.	.
Other	.	.	.	.	.	.
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS: (Thousands of Dollars)

Full-time	.	.	.	.	.	.
Part-time	.	.	.	.	.	.
Temporary	.	.	.	.	.	.

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
 Jan Strandberg, General Counsel Phone: 264-8228
 Division: Alaska Court System Date: 03/10/89

Approved by: *Stephanie Cole*
 Arthur H. Snowden, II, Administrative Director Date: 03/10/89
 Agency: Alaska Court System

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

R/O 5# 4-27-89
B

FISCAL NOTE

REQUEST:

Revision Date: March 6, 1989
Title: "An Act creating the crime of conspiracy to commit murder."
Sponsor: Senate Judiciary
Requestor: Senate Judiciary

Agency Affected: Department of Law
BRU: Prosecution
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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 FUND	-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)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: March 6, 1989
Approved by Commissioner: Douglas B. Baily, Attorney Gen. Date: March 6, 1989
Agency: Department of Law

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 16 (Jud)

The committee substitute for SB 16 has been totally revamped to establish a new crime of conspiracy to commit murder. Formerly, the bill would have established the crime of conspiracy to violate state laws regarding drugs, which has now been dropped from the bill.

The number of murders and attempted murders average about 40, each year. The number of murders involving two or more perpetrators; however, can probably be counted on one hand. Consequently, the number of new prosecutions, which occur as result of the enactment of this bill, will be quite small. Conversely, the potential for drug conspiracy violations is nearly limitless, and it would be expensive to pursue conspiracy prosecutions against drug offenders not being prosecuted under existing law. Because the committee substitute no longer includes drug conspiracy, the costs shown in the department's original fiscal note of January 26, 1989, are no longer appropriate. The new version of the bill should not have a fiscal impact on the Department of Law.

Original sponsors: Faiks, Kelly,
Sturgulewski, and Rodey

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 16 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the crime of conspiracy to commit
7 murder."

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

9 * Section 1. AS 11.41 is amended by adding new sections to read:

10 Sec. 11.41.122. CONSPIRACY TO COMMIT MURDER. (a) An offender
11 commits the crime of conspiracy to commit murder if, with the intent
12 to promote or facilitate a crime under AS 11.41.100(a)(1) or 11.41.-
13 110(a)(1), the offender agrees with one or more persons to engage in
14 or cause the performance of that offense and the offender or one of
15 the persons does an overt act in furtherance of the conspiracy.

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

22 (c) In a prosecution under this section, it is not a defense
23 that

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

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

29 (A) lack of criminal responsibility or other legal

98-05-4 070 015

1 incapacity or exemption;

2 (B) unawareness of the criminal nature of the conduct
3 in question or of the criminal purpose of the defendant; or

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

6 (d) The liability of a conspirator for offenses committed in
7 furtherance of the conspiracy, including a crime that is the object of
8 the conspiracy, shall be determined under AS 11.16.

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

17 (f) Conspiracy to commit murder is a class A felony.

18 Sec. 11.41.124. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITA-
19 TIONS OF ACTIONS. (a) For purposes of applying AS 12.10 governing
20 limitations of actions, in a prosecution under AS 11.41.122, con-
21 spiracy is a continuing course of conduct that terminates

22 (1) when the murder is completed;

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

25 (3) as to an individual defendant, when the defendant
26 abandons the agreement by advising the person with whom the defendant
27 agreed of the defendant's abandonment or when the defendant informs
28 law enforcement authorities of the existence of the conspiracy and of
29 the defendant's participation in it.

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

5 * Sec. 2. AS 11.31.140 is amended to read:

6 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a
7 defense to a prosecution under AS 11.31.100, [OR AS] 11.31.110, or
8 AS 11.41.122 that the crime that is the object of the attempt, con-
9 spiracy to commit murder, or solicitation was actually committed
10 pursuant to the attempt, conspiracy to commit murder, or solicitation.

11 (b) A person may not be convicted of more than one crime defined
12 by AS 11.31.100, [OR AS] 11.31.110, or AS 11.41.122 for conduct de-
13 signed to commit or culminate in commission of the same crime.

14 (c) A person may not be convicted on the basis of the same
15 course of conduct of both (1) a crime defined by AS 11.31.100, [OR
16 AS] 11.31.110, or AS 11.41.122 [;] and (2) a crime that is an object
17 of the attempt, conspiracy to commit murder, or solicitation.

18 (d) This section does not bar inclusion of multiple counts in a
19 single indictment or information charging commission of a crime de-
20 fined by AS 11.31.100, [OR AS] 11.31.110, or AS 11.41.122 and commis-
21 sion of the crimethat is the object of the attempt, conspiracy to
22 commit murder, or solicitation.

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

24 (e) If a person conspires to commit more than one crime under
25 AS 11.41.122, the person commits only one crime of conspiracy to
26 commit murder if the multiple crimes are the object of the same agree-
27 ment.

Alaska State Legislature

Chairman
(907) 465-4523



Jan Faiks
Post Office Box V
Juneau, Alaska 99811

Senate Judiciary Committee

March 10, 1989

MEMORANDUM

TO: Senator Rick Uehling, Co-Chairman
Senator John Binkley, Co-Chairman
Senate Finance Committee

FROM: Senator Jan Faiks, Chairman
Senate Judiciary Committee

SUBJECT: CSSB 16 (Jud) "An Act creating the crime of
conspiracy to commit murder."

Attached you will find a copy of CSSB 16 (Jud). This bill creates the crime of conspiracy to commit murder.

At the present time, Alaska is the only state which has no conspiracy statute. Until ten years ago, Alaska had two conspiracy laws on the books: conspiracy to kidnap and conspiracy against rights. Both laws were repealed in 1978 when the criminal code was revised. During the revision process, there was a significant effort made to enact conspiracy laws for five crimes: murder, arson in the first degree, kidnapping, extortion and scheming to defraud in the first degree. For various reasons, the revised criminal code did not include any of these proposals.

CSSB 16 (Jud) is modelled on the American Law Institute's Model Penal Code conspiracy provisions. The Model Penal Code is a source of much of our criminal code. Of the 49 states with conspiracy laws, approximately 20 have laws based upon this Model Penal Code version.

In its simplest terms, conspiracy is a combination of persons for the purpose of committing a crime. Since no criminal act

Members

Mike Szymanski, Vice-Chairman • Rick Halford • Drue Pearce • Pat Rodey

Out of Session

3111 C Street, Anchorage, Alaska 99503 • (907) 561-7610

has necessarily been completed, conspiracy permits punishment on the basis not of what a person did, but upon what he would have done had he not been stopped. Because they deal with group activity, conspiracy statutes are generally considered important tools for law enforcement in the fight against organized crime.

While Alaska might benefit from a general conspiracy statute, the definition of the crime of conspiracy contained in CSSB 16 (Jud) is limited to conspiracies to commit first or second degree murder. The bill requires a finding that the offender agreed with at least one other person to engage in or to perform the offense. This agreement must be communicated to the other person or persons, and at least one of the parties must have performed an overt act in furtherance of the offense. You will find attached a memorandum from the drafter of CSSB 16 (Jud), discussing its provisions in detail.

Prosecutors of the Criminal Division of the Department of Law have advised the Judiciary Committee that they would find a murder conspiracy statute very useful, particularly in light of several major murder trials conducted in the past few years involving contract murders. Cases in which one person attempts to hire others are easier to prosecute with a murder conspiracy statute, as are cases involving gangs that plan murders. The Attorney General has provided a zero fiscal note.

CSSB 16 (Jud) will provide the state with an important new tool in its efforts to punish those who combine efforts to murder. It is a strictly drafted piece of legislation, and as such, it provides excellent protection for constitutionally protected rights. I urge your support for this bill.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

Bill Version: CS SB 16

Publish Date: 3/8/89

2/12/90
(H)JLD

FISCAL NOTE

REQUEST:

Revision Date 2/6/90 Agency Affected: Alaska Court System
 Title: An Act creating the crime of conspiracy to commit murder BRU: Trial Courts
 Sponsor: Faiks, Kelly, Sturgulewski & Rodey Components: _____
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Jan Strandberg, General Counsel
 Division: Alaska Court System
 Approved by: Arthur H. Snowden, II, Administrative Director FOR
 Agency: Alaska Court System

Phone: 264-8228
 Date: 02/06/90
 Date: 02/06/90

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

2/8/90
(H) JUD

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSSB 16 (Jud)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: Conspiracy to commit murder BRU: Alaska State Troopers
Sponsor: Senator Falks, et al. Component: _____
Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Although there may be some increase in law enforcement investigations and prosecutions as a result of this bill, it is anticipated that this impact could be absorbed within the existing workforce.

Handwritten:
2/6/90

Prepared by: Gayle A. Horetski, Deputy Commissioner Phone: 465-4322
Division: Office of the Commissioner Date: 2/6/90
Approved by Commissioner: G.A.H. Arthur English Date: 2-6-90
Agency: Department of Public Safety Page 1 of 1

1/19/90
14 (Jud)

FISCAL NOTE

REQUEST:

Revision Date: January 17, 1990
 Title: "An Act creating the crime of
 conspiracy to commit murder."
 Sponsor: Senate Judiciary
 Requestor: House Judiciary

Agency Affected: Department of Law
 BRU: Prosecution
 Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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 FUND	-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)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: January 17, 1990
 Approved by Commissioner: Richard I. Pegues / FOR / Date: January 17, 1990
 Agency: Department of Law

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 16 (JUD)

The committee substitute for SB 16 has been totally revamped to establish a new crime of conspiracy to commit murder. Formerly, the bill would have established the crime of conspiracy to violate state laws regarding drugs, which has now been dropped from the bill.

The number of murders and attempted murders average about 40, each year. The number of murders involving two or more perpetrators; however, can probably be counted on one hand. Consequently, the number of new prosecutions, which occur as a result of the enactment of this bill, will be quite small. Conversely, the potential for drug conspiracy violations is nearly limitless, and it would be expensive to pursue conspiracy prosecutions against drug offenders not being prosecuted under existing law. Because the committee substitute no longer includes drug conspiracy, the costs shown in the department's original fiscal note of January 26, 1989, are no longer appropriate. The new version of the bill should not have a fiscal impact on the Department of Law.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to the crime of conspiracy... controlled substance."
Sponsor: Sen. Faiks
Requestor: Senate Judiciary

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		150.7	155.2	160.0	164.8	169.7
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		17.0	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		207.8	195.9	201.9	208.0	214.3

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		207.8	195.9	201.9	208.0	214.3
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 the attached analysis.

Prepared by: Richard L. Pegues, Director
Division: Administrative Services
Approved by Commissioner: Grace Berg Schaible, Atty. Gen.
Agency: Department of Law

Phone: 465-3672
Date: January 26, 1989
Date: January 26, 1989

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 16

This bill makes it a crime for two or more persons to "conspire" together to violate state laws regarding drugs. The bill allows persons to be prosecuted for conspiracy, even though the crime that was the object of a conspiracy was neither attempted nor completed.

Given the limits set by the bill, and the broad authority provided by existing law for the prosecution of persons involved in drug trafficking, enforcement activities undertaken as a result of this bill will be complicated and expensive. The focus of enforcement actions taken under this bill will be on major narcotics rings.

Investigation and prosecution of large-scale drug cases is extremely time-consuming and labor intensive. Major narcotics rings are carefully planned and organized, and it requires at least the same degree of planning and organization to detect, investigate, infiltrate, and ultimately break the rings. A conspiracy law will not decrease the amount of work involved in pursuing drug traffickers, rather conspiracy prosecutions will require the investment of significant time and effort on the part of state prosecutors. In addition, a conspiracy law will not cure the problematic and expensive practice of granting separate trials to co-defendants.

A good example of the complexities involved in prosecuting drug traffickers in the single big drug case that the state was able to pursue in FY85 -- 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. 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, on a daily (and sometimes hourly) basis, consulted with and guided the efforts of three teams of officers: a "surveillance" team varying from 10-20 officers who kept 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 compiled 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. Considering the sophistication of narcotics traffickers, and the efforts that would be necessary to implement a conspiracy law, the Department of Law believes that it will need the dedicated services of at least a full-time attorney, a paralegal, and a secretary in the Anchorage District Attorney's Office.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 16

	<u>Atty IV</u>	<u>P/A II</u>	<u>Leg. Sec. I</u>	<u>Total</u>
71000	73.4	45.0	32.3	150.7
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	6.5	2.5	8.5	17.5
	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>	<hr style="width: 50px; margin: 0 auto;"/>
Total	96.1	63.7	48.0	207.8

Costs beyond FY 90 include a 3% annual inflation factor, less one-time equipment costs.

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX	
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8	
Type of Expenditure		Justification This is the first of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking rings is extremely time consuming and labor intensive and will require a minimum of one new attorney in addition to the drug prosecutor already provided through the federal anti-drug enforcement program. Allocation to the full-working level of Attorney IV for this position is recommended because of the seriousness of the crimes being prosecuted.			
1	2				3
Salary	56,244				
Benefits	17,188				
Premium Pay					
Other					
Total Personal Services					73,432
Travel					5,400
Contractual					6,600
Commodities					4,200
Equipment		6,500			
Other					
Total Cost		96,132			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	96,132			
I-A Receipts	1006				
CIP Receipts	1061				
Other					

**Request For
New Position**

Agency Department of Law
BRU Prosecution
Component Third Judicial District

Page 1 of 3
Revised Date _____

FY 90

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
Justification				
This is the second of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking 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.				
Type of Expenditure		Amount		
1	2	3		
Salary	32,424			
Benefits	12,562			
Premium Pay				
Other				
Total Personal Services		44,986		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		2,500		
Other				
Total Cost		63,686		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	63,686		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

FY 90

Page 2 of 3
 Revised Date

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification				
This is the third of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking 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	22,020			
Benefits	10,256			
Premium Pay				
Other				
Total Personal Services		32,276		
Travel		-0-		
Contractual		4,200		
Commodities		3,000		
Equipment		8,500		
Other				
Total Cost		47,976		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	47,976		
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 3
 Revised Date

FY 90

1/27/89
S(Jud)
Lock of JFC
H. K. ...
Noted

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to the crime of conspiracy... controlled substance."
Sponsor: Sen. Faiks
Requestor: Senate Judiciary

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		150.7	155.2	160.0	164.8	169.7
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		17.0	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		207.8	195.9	201.9	208.0	214.3

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		207.8	195.9	201.9	208.0	214.3
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 the attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services
Approved by Commissioner: Grace Berg Schauble, Atty. Gen.
Agency: Department of Law

Phone: 465-3672
Date: January 26, 1989
Date: January 26, 1989

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

received.
1-27-89

5/15/16

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 16

This bill makes it a crime for two or more persons to "conspire" together to violate state laws regarding drugs. The bill allows persons to be prosecuted for conspiracy, even though the crime that was the object of a conspiracy was neither attempted nor completed.

Given the limits set by the bill, and the broad authority provided by existing law for the prosecution of persons involved in drug trafficking, enforcement activities undertaken as a result of this bill will be complicated and expensive. The focus of enforcement actions taken under this bill will be on major narcotics rings.

Investigation and prosecution of large-scale drug cases is extremely time-consuming and labor intensive. Major narcotics rings are carefully planned and organized, and it requires at least the same degree of planning and organization to detect, investigate, infiltrate, and ultimately break the rings. A conspiracy law will not decrease the amount of work involved in pursuing drug traffickers, rather conspiracy prosecutions will require the investment of significant time and effort on the part of state prosecutors. In addition, a conspiracy law will not cure the problematic and expensive practice of granting separate trials to co-defendants.

A good example of the complexities involved in prosecuting drug traffickers in the single big drug case that the state was able to pursue in FY85 -- 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. 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, on a daily (and sometimes hourly) basis, consulted with and guided the efforts of three teams of officers: a "surveillance" team varying from 10-20 officers who kept 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 compiled 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. Considering the sophistication of narcotics traffickers, and the efforts that would be necessary to implement a conspiracy law, the Department of Law believes that it will need the dedicated services of at least a full-time attorney, a paralegal, and a secretary in the Anchorage District Attorney's Office.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 16

	<u>Atty IV</u>	<u>P/A II</u>	<u>Leg. Sec. I</u>	<u>Total</u>
71000	73.4	45.0	32.3	150.7
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	6.5	2.5	8.5	17.5
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total	96.1	63.7	48.0	207.8

Costs beyond FY 90 include a 3% annual inflation factor, less one-time equipment costs.

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification This is the first of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking rings is extremely time consuming and labor intensive and will require a minimum of one new attorney in addition to the drug prosecutor already provided through the federal anti-drug enforcement program. Allocation to the full-working level of Attorney IV for this position is recommended because of the seriousness of the crimes being prosecuted.				
Type of Expenditure		Amount		
1	2	3		
Salary	56,244			
Benefits	17,188			
Premium Pay				
Other				
Total Personal Services		73,432		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		6,500		
Other				
Total Cost		96,132		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	96,132		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

Page 1 of 3
 Revised Date

FY 90

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
Justification				
This is the second of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking 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.				
Type of Expenditure		Amount		
1	2	3		
Salary	32,424			
Benefits	12,562			
Premium Pay				
Other				
Total Personal Services		44,986		
Travel		5,400		
Contractual		6,600		
Commodities		4,200		
Equipment		2,500		
Other				
Total Cost		63,686		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	63,686		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Law
 BRU Prosecution
 Component Third Judicial District

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 Revised Date

FY 90

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location EBA - Anchorage		Election District 8
Justification				
This is the third of three positions that will be needed to provide prosecution services of defendants who conspire to violate state laws regarding drugs. Investigation and prosecution of large-scale drug trafficking 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	22,020			
Benefits	10,256			
Premium Pay				
Other				
Total Personal Services		32,276		
Travel		-0-		
Contractual		4,200		
Commodities		3,000		
Equipment		8,500		
Other				
Total Cost		47,976		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	47,976		
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 3
 Revised Date

FY 90

B

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Bill Version: SB 16 (a)
Publish Date: 3/8/89

Revision Date: Agency Affected: Alaska Court System
Title: An act defining the crime of BRU: Trial Courts
conspiracy ... controlled substance
Sponsor: Faiks, Kelly, Sturgulewski, ... Components:
Requestor:

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL

REVENUE

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	.	.	.	.	.	.
Other	.	.	.	.	.	.
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-time

Part-time

Temporary

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel Phone: 264-8228
Division: Alaska Court System Date: 01/25/89

Approved by: *Stephanie Cole, for*
Arthur H. Snowden, II, Administrative Director Date: 01/25/89
Agency: Alaska Court System

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
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 - Senate Secretary