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# SENATE FINANCE COMMITTEE REPORT

DATE: 1/10/90

FURTHER:

Date of five-day notice: 1/18/90

DATE TURNED INTO OFFICE: 1/13/90

The Finance Committee considered SENATE BILL NO. 340

Delivery and possession of controlled substances and imitation controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drugfree school zones'; efd.

and recommended:

- replace with CS ~~340~~ (Finance)  
 or adopt CS \_\_\_\_\_  
 attached amendment(s)  
 Finance letter of ~~intent~~ adopted

- same title  
 new title  
 technical title change (HB only)

- do pass  
 do not pass  
 no recommendation  
 Individual recommendations  
 further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

fiscal note(s) DPB 2/9/90 39.7  
DOT/PF 1/24/90 148.5

fiscal note(s) \_\_\_\_\_  
Dept/Date: \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]  
Paul Grubis  
[Signature]

Paul Grubis - No Rec -  
Jim Dunne - No Pass  
if Section 12 is removed

(PEARCE)  
2/13/90  
ADOPTED  
SFC

Senate Finance Letter of Intent

CSSB 340 (Finance)

It is the intent of the legislature that the Department of Public Safety annually coordinate the printing of a "Student's Rights" card designed and written by the Department of Education. The Department of Public Safety shall make arrangements to distribute the card to every child enrolled in a public school, and to every child enrolled in a private school of which the Department of Education has a record under AS 14.45. The legislature intends that the Commissioner of Education use the "Student's Rights" card distributed by the State of New Jersey as a guide in designing the card, and that the card include information that summarizes the Alaska statutes applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

It is the further intent of the legislature that the Department of Public Safety annually coordinate the preparation and mailing of an information pamphlet to all households in the state. The pamphlet should be written in easily understandable language, should be designed to educate the public about controlled substances, and should summarize information relating to the criminal penalties applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

The legislature does not intend for the Department of Public Safety to pay for the cost of printing or distributing the "Student's Rights" card or information pamphlet. Instead, the legislature intends for the Commissioner of Public Safety to develop a process for soliciting in-kind donations of services and materials from private sector businesses and individuals, and to allow members of the private sector to print and distribute the "Student's Rights" cards and information pamphlets. The names of the donors shall be printed on each card and pamphlet.

740 JFC 2-13-90

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION: CS SB 340 (Finance)  
PUBLISH DATE: 1/8/90

REQUEST: FISCAL NOTE

Revision Date:  
Title: An Act relating to Drug Free  
School Zones  
Sponsor: Faiks, etc.  
Requestor: Faiks

Agency Affected: DOT&PF  
BRU: Maintenance and Operations

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	148.5	15.0	30.0	30.0	30.0	45.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	148.5	15.0	30.0	30.0	30.0	45.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	148.5	15.0	30.0	30.0	30.0	45.0

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: See attached.

Prepared by: Jeffery C. Otteser  
Division: Director, Engineering and Operations Standards

Phone: 465-2951  
Date: January 24, 1990

Approved by Commissioner: Mark S. Hickey  
Agency: Department of Transportation and Public Facilities

Date: January 24, 1990

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

There is no way to make an actual inventory of signed school locations on short notice. However, there are 660 schools, and it can reasonably be assumed that at least half are on or near the state system (including municipal arterials), and are marked as schools by school speed zones, marked crosswalks, or advance school warning signs.

Furthermore, where schools are signed there would rarely be less than two marked locations (one in each direction on one road) and probably rarely more than four (one in each direction on two roads) for an average of 3 per school. This amounts to  $330 \text{ schools} \times 3 \text{ signs per school average} = 990 \text{ signs total}$ .

Large signing contracts average approximately \$50 per square foot for installed signs. The required sign size for legibility and consistency would be about two square feet. However, such smaller signs have much the same mounting, labor and equipment costs as those several times larger. Including the need to locate the signs rather accurately, the estimated cost per sign is conservatively \$150 each.

This results in an estimated initial cost of \$148,500 in 1990 dollars.

The sign life due to deterioration, accidental destruction, and the high vandalism target value cannot be expected to exceed about five years with, for all causes, 10% loss the first year, 20% the second through the fourth years, and 30% the last year when deterioration sets in, and about 20% per year average thereafter.

This results in maintenance as follows (in 1990 dollars):

1st year	$0.10 \times \$150K = \$15,000$
2nd thru 4th years	$0.20 \times \$150K = \$30,000 \text{ per year}$
5th year	$0.30 \times \$150K = \$45,000$
thereafter	$0.20 \times \$150K = \$30,000 \text{ per year}$

There is no way to accurately speak for the municipalities for the costs on their road system.

T/O SFC 2-13-90

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION: CSSB 340 (FIN)  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: 2/9/90  
Title: Illegal drugs/schools

Agency Affected: Public Safety  
BRU: Alaska State Troopers

Sponsor: Senator Falks, et al.  
Requestor: Senate Finance

Component: AST Special Projects

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	39.7	39.7	39.7	39.7	39.7	39.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	39.7	39.7	39.7	39.7	39.7	39.7

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	39.7	39.7	39.7	39.7	39.7	39.7
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	39.7	39.7	39.7	39.7	39.7	39.7

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	2	2	2	2	2	2
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached analysis. *Funding does not include postage or advertising costs, per Gayle Horvath.*

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

Phone: 269-5691  
Date: 2/9/90

Approved by Commissioner: SA H. English  
Agency: Department of Public Safety

Date: 2-9-90  
Page 1 of 4

*2/9/90*

Department of Public Safety  
Fiscal Note Analysis  
CSSB 340 (FIN) DRAFT, Drug Free School Zones  
Page 2 of 4

Passage of proposed CSSB 340 (FIN) in its present form would require the Department of Public Safety to annually produce and distribute "Student's Rights" cards to an estimated 112,000<sup>n</sup> students presently enrolled in the 625 public and private schools in Alaska.

This bill also requires the Department of Public Safety to produce and distribute a controlled substances information pamphlet which is to be distributed annually to each of the estimated 266,000<sup>\*\*</sup> households throughout Alaska.

The bill prohibits the Department of Public Safety from using state funds to accomplish this task, and an accompanying "letter of intent" directs the Department to solicit funds from private sources. The Department does not feel that this approach is realistic in Alaska. States with larger corporate environments may be able to obtain such voluntary support, but solicitation of donations for continuing revenue is very difficult. Despite serious doubts about the workability of this scheme, this fiscal note is the Department's best estimate of essential costs.

To accomplish the tasks set out by the language of this bill, as interpreted in the letter of intent, the following activities must occur: writing, research, design and layout of the information pamphlet and Student's Rights cards, preparation of printer's specifications, bid specifications, mail assembly, and distribution. These and many other tasks must be handled by skilled personnel in order to ensure compliance with the legislation. In addition, it will be necessary for at least one member of the DPS staff to oversee and coordinate this project to ensure compliance.

Personal Services:

Publications Specialist II	\$25.3
Clerk Typist II	<u>14.4</u>
TOTAL	<u>\$39.7</u>

\* Figures from the Department of Education.

\*\* Figures from U.S. Census Bureau.

Position Title Publications Specialist II		No. of Positions 1	Range/Step 16/A	Barg. Unit
Time Status PPT	Staff Months 6	Location Anchorage		Election District 10
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary*		18,956		////////////////////////////////////
Benefits*		6,306		////////////////////////////////////
Premium Pay (Included in Above)		////////////////////////////////////		////////////////////////////////////
Other		////////////////////////////////////		////////////////////////////////////
Total Personal Services		////////////////////////////////////		25.3
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		25.3		
Funding Source for Total Cost				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004		25.3		
Program Receipts/GF 1005				
I-A Receipts 1007				
CIP Receipts 1061				
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

This position will function within the Community Services Bureau. This person will be responsible for the preparation, writing, and design layout of the controlled substance information pamphlet and the "Student's Rights" card. Further, the position would be responsible for preparing printer's specifications and obtaining bids for printing of these publications. Distribution and mailing of the material would also be coordinated by this individual.

Six months funding will be needed to perform the work necessary to meet the requirements of this legislation.

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
BRU Alaska State Troopers  
COMPONENT AST Special Projects

Page 3 of 4  
Revised Date

FY 91

Position Title <b>Clerk Typist II</b>		No. of Positions <b>1</b>	Range/Step <b>7/A</b>	Barg. Unit <b>ASEA</b>
Time Status <b>PPT</b>	Staff Months <b>6</b>	Location <b>Anchorage</b>		Election District <b>10</b>
Type of Expenditure		Justification		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary*	10,394	////////////////////////////////////		
Benefits*	3,982	////////////////////////////////////		
Premium Pay (Included in Above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
<b>Total Personal Services</b>	////////////////////////////////////	<b>14.4</b>		
Travel				
Contractual				
Commodities				
Equipment				
Other				
<b>Total Cost</b>		<b>14.4</b>		
<b>Funding Source for Total Cost</b>				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	<b>14.4</b>		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

This Clerk Typist II position will be assigned to the Community Services Bureau to provide clerical support for this project in terms of research and follow-up correspondence with schools and interested households.

This position will be needed for 6 months to accomplish the goals envisioned in the legislation.

**REQUEST FOR  
NEW POSITION**

AGENCY Department of Public Safety  
 BRU Alaska State Troopers  
 COMPONENT AST Special Projects

Page 4 of 4  
 Revised Date

**FY 91**

Position Title <b>Clerk Typist II</b>			No. of Positions <b>1</b>	Range/Step <b>7/A</b>	Barg. Unit <b>ASEA</b>
Time Status <b>PPT</b>	Staff Months <b>6</b>		Location <b>Anchorage</b>		Election District <b>10</b>
			Justification		
Type of Expenditure			Amount		
<b>1</b>			<b>2</b>		<b>3</b>
Salary*			10,394		////////////////////
Benefits*			3,982		////////////////////
Premium Pay (Included in Above)			////////////////////		////////////////////
Other			////////////////////		////////////////////
Total Personal Services			////////////////////		14.4
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost					14.4
Funding Source for Total Cost					
Federal Receipts 1002					
G.F. Match 1003					
General Fund 1004					14.4
Program Receipts/GF 1005					
I-A Receipts 1007					
CIP Receipts 1061					
Other					
* Personal Services Salary and Benefits Costs are from PACS.					

This Clerk Typist II position will be assigned to the Community Services Bureau to provide clerical support for this project in terms of research and follow-up correspondence with schools and interested households.

This position will be needed for 6 months to accomplish the goals envisioned in the legislation.

**REQUEST FOR  
NEW POSITION**

AGENCY Department of Public Safety  
 BRU Alaska State Troopers  
 COMPONENT AST Special Projects

Page 4 of 4  
 Revised Date

**FY 91**

Original sponsor(s): SEN. FAIKS, Jones, Kelly, Fischer, Coghill, Halford, Binkley, Uehling

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 340 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the delivery and possession of controlled substances and imitation controlled substances and ~~to alcohol and the possession and consumption of alcohol~~ and controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug-free school zones'; and providing for an effective date."

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

\* Section 1. AS 11.71.020(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the second degree if the person

(1) manufactures or delivers any amount of a schedule IA controlled substance;

(2) [OR] possesses any amount of a schedule IA controlled substance with intent to manufacture or deliver; or

(3) delivers any amount of a schedule IIA or IIIA controlled substance, or possesses any amount of a schedule IIA or IIIA controlled substance with intent to deliver that controlled substance, to a person

(A) with reckless disregard that the delivery or possession with intent to deliver occurs on or within 1,000 feet of school grounds; or

(B) on a school bus.

\* Sec. 2. AS 11.71.020 is amended by adding a new subsection to read:

(c) It is an affirmative defense to a prosecution under (a)(3)(A) of this section that the prohibited conduct took place entirely within a private residence located within 1,000 feet of the school grounds, that a minor was not present in the private residence at any time during the commission of the offense, and that the prohibited conduct did not involve distributing, dispensing, or possessing with the intent to distribute or dispense a controlled substance for profit.

\* Sec. 3. AS 11.71.030(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the third degree if the person

(1) manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver;

(2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; [OR]

(3) delivers any amount of a schedule IVA or schedule VA controlled substance, or delivers one ounce or more of a schedule VIA controlled substance to a person

(A) with reckless disregard that the delivery occurs on or within 1,000 feet of school grounds; or

(B) on a school bus;

(4) possesses any amount of a schedule IVA or schedule VA controlled substance with intent to deliver, or possesses one ounce or more of a schedule VIA controlled substance with intent to deliver, that controlled substance to a person

020872

(A) with reckless disregard that the possession with intent to deliver occurs on or within 1,000 feet of school grounds; or

(B) on a school bus; or

(5) [(3) BEING 18 YEARS OF AGE OR OLDER,] possesses any amount of a schedule IA or IIA controlled substance

(A) with reckless disregard that the possession occurs on or within 1,000 feet of school [THE] grounds; or

(B) on a school bus [OF OR ON A PARKING LOT IMMEDIATELY ADJACENT TO A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY, JUNIOR HIGH, OR SECONDARY SCHOOL].

\* Sec. 4. AS 11.71.030(b) is repealed and reenacted to read:

(b) It is an affirmative defense to a prosecution under (a)(3)(A), (a)(4)(A), or (a)(5)(A) of this section that the prohibited conduct took place entirely within a private residence located within 1,000 feet of the school grounds, that a minor was not present in the private residence at any time during the commission of the offense, and that the prohibited conduct did not involve distributing, dispensing, or possessing with the intent to distribute or dispense a controlled substance for profit.

\* Sec. 5. AS 11.71.040(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person

(1) manufactures or delivers any amount of a schedule IVA or VA controlled substance or possesses any amount of a schedule IVA or VA controlled substance with intent to manufacture or deliver;

(2) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds,

mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance;

(3) possesses

(A) any amount of a schedule IA or IIA controlled substance;

(B) 25 or more tablets, ampules, or syrettes containing a schedule IIIA or IVA controlled substance;

(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of three grams or more containing a schedule IIIA or IVA controlled substance;

(D) 50 or more tablets, ampules, or syrettes containing a schedule VA controlled substance;

(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of six grams or more containing a schedule VA controlled substance; or

(F) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one pound or more containing a schedule VIA controlled substance;

(4) unlawfully [BEING 18 YEARS OF AGE OR OLDER,] possesses a schedule IIIA, IVA, VA, or VIA controlled substance

(A) with reckless disregard that the possession occurs on or within 1,000 feet of school [THE] grounds [OF OR ON A PARKING LOT IMMEDIATELY ADJACENT TO A PUBLIC OR PRIVATE PRE-SCHOOL, ELEMENTARY, JUNIOR HIGH, OR SECONDARY SCHOOL]; or

(B) on a school bus;

(5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place which is used for keeping or distributing controlled substances in violation of a felony offense under this chapter or

AS 17.30;

(6) makes, delivers, or possesses a punch, die, plate, stone, or other thing which prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of these upon a drug, drug container, or labeling so as to render the drug a counterfeit substance;

(7) knowingly uses in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(8) knowingly furnishes false or fraudulent information in or omits material information from any application, report, record, or other document required to be kept or filed under AS 17.30;

(9) obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; or

(10) affixes a false or forged label to a package or other container containing any controlled substance.

\* Sec. 6. AS 11.71.040(b) is repealed and reenacted to read:

(b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the prohibited conduct took place entirely within a private residence located within 1,000 feet of the school grounds and that a minor was not present in the private residence at any time during the commission of the offense.

\* Sec. 7. AS 11.71.900 is amended by adding new paragraphs to read:

(28) "school bus" means a motor vehicle operated by a school district or private school, directly or by contract, to transport students;

(29) "school grounds" means a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool,

elementary, or secondary school.

\* Sec. 8. AS 14.07 is amended by adding a new section to read:

Sec. 14.07.181. ADDITIONAL DUTIES OF BOARD. The board shall develop, adopt, and periodically review and revise a "Student's Bill of Rights" appropriate for reference and use by students in the state's schools. In addition to other information that the board determines appropriate for students, the "Student's Bill of Rights" must include information that summarizes state law applicable to and the penalties for the sale and possession of controlled substances in schools, or school grounds, and on school buses.

\* Sec. 9. AS 18.65 is amended by adding new sections to article 3 to read:

Sec. 18.65.320. STUDENT'S RIGHTS CARD. (a) Annually, not later than October 31, the Department of Public Safety shall issue a "Student's Rights" card. The student's rights card shall be delivered to every child enrolled in a public school and to every child enrolled in a private school of which the Department of Education has a record under AS 14.45. Based on information in the Student's Bill of Rights prepared under AS 14.07.181, and after consultation with the attorney general, the commissioner of public safety shall prepare the card so that it contains information that summarizes state law applicable to and the penalties for sale and possession of controlled substances in schools, in areas adjacent to schools, and on school buses.

(b) State money may not be used to print and distribute student's rights cards under this section.

Sec. 18.65.330. DISTRIBUTION OF PAMPHLET TO HOUSEHOLDS. (a) Annually, the commissioner of public safety shall prepare and mail to each household an information pamphlet. The pamphlet must be written in easily understandable language, must be designed to educate the

public about controlled substances, and must summarize information relating to the criminal penalties applicable to the possession and sale of controlled substances in public and private schools, in areas adjacent to schools, and on school buses.

(b) State money may not be used to print and distribute information pamphlets to households under this section.

\* Sec. 10. AS 19.10 is amended by adding a new section to read:

Sec. 19.10.045. INSTALLATION OF "DRUG-FREE SCHOOL ZONE" SIGNS NEAR SCHOOLS. The department shall post a sign indicating that the school is a "drug-free school zone" at each location in which it has installed a sign identifying the location of a school.

\* Sec. 11. AS 28.01.010(d) is amended to read:

(d) A municipality shall erect necessary official traffic control devices on streets and highways within its jurisdiction which as far as practicable conform to the current edition of the Alaska Traffic Manual prepared by the Department of Transportation and Public Facilities. The municipality shall post a sign indicating that the school is a "drug-free school zone" at each location in which it has installed a sign identifying the location of a school.

\* Sec. 12. AS 28.15.185(b) is repealed and reenacted to read:

(b) For a conviction or an adjudication of an offense described in (a) of this section, the court shall revoke the minor's driver's license for one year or until the minor reaches 18 years of age, whichever is longer.

\* Sec. 13. AS 47.10.080(b) is amended to read:

(b) If the court finds that the minor is delinquent, it shall  
(1) order the minor committed to the Department of Health and Social Services for a period of time not to exceed two years or in any event extend past the day the minor becomes 19, except that the

department may petition for and the court may grant in a hearing (A) two-year extensions of commitment which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and (B) an additional one-year period of supervision past age 19 if continued supervision is in the best interests of the person and the person consents to it; the department shall place the minor in the juvenile facility which the department considers appropriate and which may include a juvenile correctional school, detention home, or detention facility; the minor may be released from placement or detention and placed on probation on order of the court and may also be released by the department, in its discretion, under AS 47.10.200;

(2) order the minor placed on probation, to be supervised by the department, and released to the minor's parents, guardian, or a suitable person; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the probation may be for a period of time, not to exceed two years and in no event extend past the day the minor becomes 19, except that the department may petition for and the court may grant in a hearing

(A) two-year extensions of supervision which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it;

(3) order the minor committed to the department and placed on probation, to be supervised by the department, and released to the minor's parents, guardian, other suitable person, or suitable non-detention setting such as a family home, group care facility, or child

care facility, whichever the department considers appropriate to implement the treatment plan of the predisposition report; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the department may transfer the minor, in the minor's best interests, from one of the probationary placement settings listed in this paragraph to another, and the minor, the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice of the transfer; the probation may be for a period of time, not to exceed two years and in no event extend past the day the minor becomes 19, except that the department may petition for and the court may grant in a hearing

(A) two-year extensions of commitment which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it; [OR]

(4) order the minor to make suitable restitution in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection; [.]

(5) order the minor committed to the Department of Health and Social Services for placement in an adventure-based education program established under AS 47.21.020 with conditions the court considers appropriate concerning release upon satisfactory completion of the program or commitment under (1) of this subsection if the program is not satisfactorily completed; or

(6) in addition to an order under (1) - (5) of this subsection, if the delinquency finding is based on the minor's violation of AS 11.71.020(a)(3), 11.71.030(a)(3) - (a)(5), or 11.71.040(a)(4).

order the minor to perform 100 hours of community service; for purposes of this paragraph, "community service" has the meaning given in AS 33.30.901.

\* Sec. 14. Sections 10 and 11 of this Act take effect August 16, 1990.

\* Sec. 15. In the preparation and distribution of a student's rights card, under AS 18.65.320, added by sec. 9 of this Act, the commissioner of public safety shall consider rights of minors guaranteed by state law and prepare and distribute a card based on the New Jersey student's rights cards prepared and issued by the New Jersey Commission to Deter Criminal Activity under N.J.S.A. 52:17B - 156.



Official Business

# Alaska State Legislature

Senate

Committee on Finance

Pouch V  
State Capitol  
Juneau, Alaska 99811

DATE: February 13, 1990  
TO: Lynn Barnes  
Legal Services  
FROM: Vicki (4935)  
Cap Bldg, Rm 413  
RE: CS for SB 340 (Finance)

Please run in final workdraft #6-1102H, by Chenoweth, 01/31/90,  
for the above referenced bill with the following title change:

"An Act relating to the delivery and possession of  
controlled substances, alcohol and the possession and  
consumption of alcohol and imitation controlled substances;  
. . . ."

The bill was REPORTED OUT at the 9 o'clock meeting this morning.

THANX!

CHANGES MADE IN PROPOSED FINANCE COMMITTEE  
SUBSTITUTE FOR SENATE BILL 340

The proposed Finance Committee substitute for SB 340 makes the following changes to the original bill:

1. SB 340 made it a class A felony for a person to deliver or possess with intent to deliver any amount of any type of controlled substance within 1000 feet of a school, or on a school bus. The proposed CS changes this so that the possession of a controlled substance within 1000 feet of a school or on a school bus is increased one step on the penalty scale compared with identical conduct taking place more than 1000 feet from a school. For example, delivery of a schedule IIA controlled substance (such as cocaine) more than 1000 feet from a school is a class B felony; such conduct within 1000 feet of a school or on a school bus would be punishable as a class A felony.

2. The mental state required for conduct under SB 340 was that of "knowledge;" that is, prohibited conduct was punishable if the offender had knowledge that the conduct took place within 1000 feet of a school. The proposed CS changes this mental state to one of "reckless disregard;" that is, prohibited conduct is punishable if the offender engaged in the conduct with reckless disregard that it was taking place within 1000 feet of a school.

3. The proposed CS deletes the original bill's increased penalty for persons who deliver a controlled substance to a pregnant woman.

4. The proposed CS adds a new section 8, which requires the Board of Education to adopt a "Student's Bill of Rights." It adds new sections 9 and 15, which require the Department of Public Safety to issue a "Student's Rights" card to every student, based on the New Jersey student's rights card. Both the bill of rights and the card must contain information summarizing the state's drug laws. DPS is also required to prepare and distribute to each household a pamphlet summarizing the state's drug laws.

5. The proposed CS adds a new section 12, which amends AS 12.15.185. That statute currently provides that a minor who is adjudicated for misconduct involving a controlled substance or for possession or consumption of alcoholic beverages loses his or her driver's license for 90 days for a first offense, and for one year for a subsequent offense. The proposed CS amends this statute to provide that the minor loses the driver's license for one year or until his or her 18th birthday, whichever is longer.

6. The proposed CS adds a new section 13, which provides a minimum sentence of 100 hours community service for a minor adjudicated under the juvenile justice system for misconduct involving a controlled substance within 1000 feet of a school or on a school bus.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 22, 1990

SUBJECT: Senate Bill 340, applicable to delivery and possession of controlled substances, and to the establishment of drug-free school zones and notices concerning them --- sectional analysis.

TO: Senator Jan Faiks, Chair  
Senate Judiciary Committee

FROM: Jack Chenoweth  
Legislative Counsel 

The legislation was developed to respond to the following circumstances you had earlier identified:

(1) (simple) possession of a controlled substance on school grounds, within 1000 feet of school grounds, or on a school bus;

(2) delivery or possession with intent to deliver a controlled substance on school grounds, within 1000 feet of school grounds, or on a school bus; and

(3) delivery of a controlled substance to a pregnant woman.

You asked that penalties for delivery or possession of controlled substances in each of these three circumstances be increased.

Simple possession:

In current law, "simple" possession of a schedule IA or schedule IIA controlled substance, or of a significant quantity of a schedule IIIA, IVA, VA, or VIA controlled substance, is a violation of AS 11.71.040(a), a class C felony. Possession of smaller amounts of a controlled substance of the latter four categories is a lesser offense, treated as a misdemeanor or violation depending on the amount and type of substance possessed.

Senator Jan Faiks  
Page 2  
January 22, 1990

When, however, that possession occurs on or adjacent to a school, a different crime is committed and the penalties are increased. Possession of a schedule IA or schedule IIA controlled substance on or adjacent to a school is a class B felony, and any possession of a schedule IIIA, IVA, VA, or VIA controlled substance (without regard to quantity) on or adjacent to a school is a class C felony.

You had indicated that, in preparing the bill, I should retain the existing IA/IIA versus IIIA - VIA possession distinction.

In the bill, then, your specific directive that the offense of "simple" possession of a controlled substance may not occur on or within 1000 feet of school grounds or on a school bus is addressed as follows:

-- in AS 11.71.030(a)(3), page 3 of the bill, lines 18 - 22 ["simple" possession of a schedule I or IIA controlled substance], is affirmed as a class B felony; and

-- in AS 11.71.040(a)(4), page 5 of the bill, lines 3 - 9 ["simple" possession of a schedule IIIA - VIA controlled substance] is affirmed as a class C felony.

Your instructions didn't indicate, however, that there should be a distinction drawn on the basis of age (by one over 18 years of age versus by one who is a minor), so I eliminated that distinction. Hence, under the proposed revision, any possession--even by a minor--of a controlled substance on or adjacent to school grounds or in a school bus subjects the possessor to the specified penalties.

Note also the definition of "school grounds" added by bill section 9. The addition incorporates, in modified fashion, comparable references that appear elsewhere in current law.

Delivery and possession with intent to deliver:

In current law, delivery of a schedule IA controlled substance is

-- a violation of AS 11.71.010(a), an unclassified felony, if delivery is to a minor;

- a violation of AS 11.71.020(a), a class A felony, if delivery is to anyone other than a minor.

Delivery of a schedule IIA or IIIA controlled substance is

- a violation of AS 11.71.010(a), an unclassified felony, if delivery is to a minor;
- a violation of AS 11.71.030(a), a class B felony, if delivery is to anyone other than a minor.

Delivery of a schedule IVA or VA controlled substance is

- a violation of AS 11.71.030(a), a class B felony, if delivery is to a minor;
- a violation of AS 11.71.040(a), a class C felony, if delivery is to anyone other than a minor.

The provisions addressing "possession with intent to deliver" parallel those addressing "delivery."

Your directive that the offenses of "delivery" and of "possession with intent to deliver" a schedule IA controlled substance on or within 1000 feet of school grounds or on a school bus is addressed in AS 11.71.020(a)(3), making the crime a class A felony. Redefining the crime as a class A felony represents something of a compromise. In the bill, distinctions based upon classifications among controlled substances are eliminated. Pulling together all deliveries and possessions with intent to deliver involving controlled substances on school grounds and adjacent areas or on school buses is intended to substitute a concise statement that all such deliveries or possessions in any quantity or circumstance involving a school or school bus should be subject to very serious penalties.

Delivery to a pregnant woman:

In the immediately preceding discussion, I noted that "delivery," generally, is a violation of various sections that may culminate in punishment as a class A felony, class B felony, or class C felony.

Depending on the controlled substance, Senate Bill 340 treats delivery to a pregnant woman as, respectively, an unclassified felony, a class A felony, or a class B felony.

Senator Jan Faiks  
Page 4  
January 22, 1990

At each level, the penalty for delivery of a controlled substance to a pregnant woman would be more stringent by one step than a delivery to one who is not pregnant.

\*

In the legislation:

Bill section 1 adds delivery of a schedule IA controlled substance to a pregnant woman to the definition of the crime of misconduct involving a controlled substance in the first degree, an unclassified felony.

Bill section 2, incorporated in response to a letter from the Department of Law, adds a related affirmative defense, intended to exculpate the defendant from conviction if the defendant did not know that the woman to whom the controlled substance was offered was pregnant.

Bill section 3 adds delivery and possession with intent to deliver of any controlled substance on or adjacent to school grounds or on a school bus to the definition of the crime of misconduct involving a controlled substance in the second degree, a class A felony. The same bill section adds delivery of a schedule IIA or IIIA controlled substance to a pregnant woman to the definition of that crime.

Bill section 4, incorporated in response to the suggestion of the Department of Law, adds the related affirmative defense for a person who provides the controlled substance to a pregnant woman without knowledge of the pregnancy. In response to a reading and application of court decisions imposing a "knowledge" requirement as an element of criminal conduct, the measure also provides an affirmative defense for controlled substance possession and delivery if the possession or delivery occurs in a private residence in the limited circumstances outlined. (In this section, and in sections 6 and 8, existing affirmative defenses involving possession on school grounds and adjacent parking lots are repealed, to be replaced by a "residence defense" based on a comparable New Jersey provision. Under the defense, one may not be convicted of possession, delivery, or possession with intent to deliver if that possession or delivery occurred within a private residence that is situated within 1000 feet of school grounds if no minor was present within the residence at the time of commission of the offense.)

Senator Jan Faiks  
Page 5  
January 22, 1990

Bill section 5 adds delivery of a schedule IVA, VA, or VIA controlled substance to a pregnant woman to the definition of the crime of misconduct involving a controlled substance in the third degree, a class B felony. The same bill section adds simple possession of a schedule IA or IIA controlled substance on or adjacent to school grounds or in a school bus to the definition of that crime.

Bill section 6 provides related affirmative defenses.

Bill section 7 adds unlawful possession of a schedule IIIA, IVA, VA, or VIA controlled substance on or adjacent to school grounds or in a school bus to the definition of the crime of misconduct involving a controlled substance in the fourth degree, a class C felony. (The provision of the term "unlawful" at page 5, line 3, is intended to recognize the exception for possession of marijuana, a class VIA controlled substance, in the home under current law.)

Bill section 8 provides a related affirmative defense.

Bill section 9 adds a definition of the term "school grounds."

"Drug free-zone sign" directives, applicable to the state and local governments, are included [bill sections 10 and 11].

Originally, a bill draft was prepared last year for introduction as a first session bill. Bill section 12 gives this latter pair of provisions a delayed effective date, to August, 1990--time for the respective agencies to determine the number and location of signs and to have them manufactured and installed during the summer preceding the start of the 1990-1991 school year. Now the measure is before the legislature for consideration in the second session. Please consider revising the effective date provision applicable to the signs by rolling it forward by one year to give the agencies sufficient time to manufacture and place these signs.

The rest of the bill has a standard 90 day effective date.

JC:pl  
WKP1/023

# Alaska State Legislature



## Senate Judiciary Committee

### MEMORANDUM

January 22, 1990

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

FROM: Senator Jan Faiks, Chairman  
Senate Judiciary Committee

SUBJECT: SB 340 "An Act relating to the delivery and possession of controlled substances and imitation controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug-free school zones'; and providing for an effective date."

Senate Bill 340 has been referred to the Senate Finance Committee for review. This bill creates areas around public and private preschools, elementary and secondary schools in which penalties for the sale and possession of drugs will be enhanced.

Many states, including Alaska, have laws on the books that increase the penalty for selling drugs on school grounds. The purpose is to protect young people from exposure to drugs at a time in their lives when they are least able to appreciate the risks or resist peer pressure. The problem with these laws is that they invariably apply only to the school grounds, and not to the area surrounding the school. It is essential that a zone around each school be drug free, not just the school itself. Otherwise, drug dealers can operate freely across the street from the schoolyard.

In 1987, New Jersey became the first state to adopt a "drug-free school zone" law. This law raises the penalties for drug sales and possession not only on the school grounds, but within 1000 feet of a school as well. SB 340 is modeled on this New Jersey law. Since 1987, approximately 35 other states have adopted some version of drug-free school zone legislation. President Bush has made the drug-free school

zone concept part of his National Drug Control Strategy, and the Chiefs of Police National Drug Task Force has called it "perhaps the most effective incremental system-wide solution to the drug problem."

Attached you will find a sectional analysis of the bill prepared by Legal Services. You will note the following major differences between current law and SB 340:

Current law makes it a more serious offense for an adult to possess drugs on school grounds. The specific penalty depends on the type of drug that is possessed. For example, an adult who possesses a small amount of cocaine off school grounds is guilty of a class C felony (up to five years in jail/\$50,000 fine), whereas possession on school grounds would be a class B felony (up to 10 years in jail/\$50,000 fine). Current law does not apply to the area surrounding a school, or to conduct on a school bus.

SB 340 changes this in several major ways. First, it provides that any person (adult or minor) who delivers or possesses with the intent to deliver any kind of illegal drug within 1000 feet of a school or on a school bus is guilty of a class A felony (up to 20 years in jail/\$50,000 fine). Class A felonies have a five year presumptive sentence for first offenders. Minors charged with dealing drugs on school grounds would be adjudicated under the juvenile justice system, as they are with current drug law violations.

Second, the bill provides that any person (adult or minor) who possesses drugs for personal use (i.e. the casual user as opposed to a dealer) is committing a more serious crime if the possession takes place within 1000 feet of a school or on a school bus. For example, a person who possessed a small amount of cocaine more than 1000 feet from a school would be guilty of a class C felony; if he possessed it within 1000 feet of a school or on a school bus, he would be guilty of a class B felony.

In order to advise persons of these newly created drug-free school zones, the bill requires the state and municipalities to post street signs around schools, declaring the area to be a "Drug-Free School Zone." Five other states require signs to be posted: New Jersey, Maryland, Texas, Florida, and Pennsylvania.

SB 340 makes one additional change to current law. As you know, a great body of scientific evidence has been gathered in

the last ten years that documents the harmful effects of drug use during pregnancy on a fetus. Current law does not recognize this fact. Accordingly, the bill makes it a more serious crime for a dealer to provide drugs to a pregnant woman, than it would be for the dealer to provide drugs to a non-pregnant woman. For example, the law currently makes it a class B felony to distribute cocaine to a woman, regardless of whether or not she is pregnant. This bill retains class B felony status for the act if the woman is not pregnant, but makes it a class A felony if the woman is pregnant.

While supply eradication and interdiction efforts are necessary, the most effective long-term solution to the drug problem is demand reduction. It is difficult to reduce demand among our young people when they are continually assailed by drug use and trafficking in and around their schools. Reduction of these activities will enable us to create safer, more productive learning environments in which values opposing drug use can be fostered. I urge your support for this essential legislation.

# CHIEFS OF POLICE NATIONAL DRUG TASK FORCE



1110 Vermont Avenue, N.W. • Suite LL10  
Washington, D.C. 20005  
(202) 296-0900  
FAX 296-1734

President George Bush  
Honorary Chairman

Hon. Bill Bradley  
U.S. Senate (NJ)  
Co-Chairman

Hon. Orrin Hatch  
U.S. Senate (UT)  
Co-Chairman

October 20, 1989

Kevin O' Leary  
Chief of Police  
4501 S. Bragaw St.  
Anchorage, AK 99507

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Dear Mr. O' Leary:

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Director

Severn L. Scrimgeour  
Deputy Director

As a prominent leader in your state, you must be extremely concerned with the havoc created by drugs. Illegal drugs corrode our society, undermine law enforcement, corrupt officials, spawn rampant crime, spread death and murder, and take their final toll in wrecked lives. Through increased supply eradication and interdiction efforts law enforcement authorities have increased criminal arrests and narcotics seizures. Yet we continue to witness a pervasive drug problem. We are convinced that the only long-term solution to the drug problem will occur when we successfully reduce the demand for drugs.

Of all drug demand reduction alternatives, the drug-free school zone initiative is perhaps the most effective incremental system-wide solution to the drug problem. **Drug-Free School Zones** are designed to reduce the demand for drugs by concentrating enforcement and ancillary drug control efforts within geographic zones (generally 1000 ft.) around schools. By concentrating law enforcement efforts, increasing penalties for certain criminal activities, and linking these efforts with comprehensive drug prevention education and alternative demand reduction activities, we believe that these measures will significantly reduce drug use and trafficking in and around schools. Additionally, these zones help foster healthier and more productive teaching and learning environments wherein positive peer pressure to resist drugs can be promoted.

On July 1, 1987, New Jersey enacted the nation's first model drug-free school zone. Last year, New Jersey reported over 6,500 distribution arrests within drug-free school zones. During this same year 9,600 drivers' licenses were revoked or postponed and their courts collected over six million dollars in cash penalties from drug offenders.

New Jersey's commitment to drug-free schools is beginning to have an impact on their states criminal drug distribution and trafficking patterns. In at least one case, a drug suspect was overheard on a wiretap to explain to a coconspirator that a drug transaction could not be completed in the given location because it was next to a school. So too, New Jersey reports a number of examples of undercover drug buys in which the targets carefully select their point of sale in locations out of these school safe havens. These evidences support the original policy aim of protecting children through drug-free school zones.

In light of New Jersey's success, thirty-five other states have since passed similar drug-free school zone legislation. Further, North Carolina, Ohio, and Texas have proposed or pending legislation to create drug-free school zones. Delaware, Oregon, and West Virginia are aggressively enforcing similar federal legislation, and the District of Columbia is initiating a special pilot program. See attachment for complete listing of statewide drug-free school zones.

In January 1989, concerned leaders from the nation's education, prevention, criminal justice, and law enforcement communities organized the **National Coalition for Drug-Free School Zones**. Through the Coalition, the member organizations pursue two primary goals: (1) the introduction, promotion, and passage of state-sponsored drug-free school zone legislation nationwide, and (2) the development of means whereby to implement effective drug-free school zones, complete with training materials, drug prevention education, and other demand reduction programming. The Coalition includes:

- National School Boards Association
- National Association of Secondary School Principals
- National Association of Elementary School Principals
- National School Safety Center
- Council of State Governments
- National Association of State Alcohol and Drug Abuse Directors
- National Council of Juvenile and Family Court Judges
- National Association of Chiefs of Police

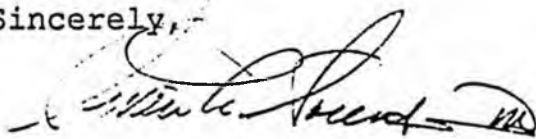
As a member of the Coalition, I wholeheartedly encourage you to support effective implementation of drug-free school zones in your

state. If your state already has legislation, seek to strengthen and implement it. If your state does not enforce drug-free school zones motion to propose it. This initiative is too important and promising to be left unexamined. We encourage you as a leader to organize a state coalition for drug-free school zones, if you have not already done so. Through individual state coalitions local communities can be mobilized into a formidable assault on drugs. Only when these zones reach citizens at grass roots level will they become an effective deterrent to drugs and crime.

The National Coalition for Drug-Free School Zones seeks to support your efforts. The Coalition has gathered copies of states enacted legislation and have prepared other materials and recommendations which may be of assistance to you in this effort. We are in the process of creating an implementation manual to assist local communities establish effective drug-free school zones. Furthermore, we are preparing a quarterly Drug-Free School Zone newsletter that will identify promising strategies, prevention innovations, and legislation nationwide. The first issue of this newsletter will be distributed in January 1990.

Again, we thank you for your continued support in this very important effort to make America drug-free. This can only be done with a united force of state leaders and citizens who are willing to take the necessary steps to accomplish the goal. Your help has been and will continue to be invaluable in our efforts to make drug-free school zones a reality nationwide. We, at the National Coalition For Drug-Free School Zones, look forward to working with you and assisting you in any way we can.

Sincerely,



Severin Sorensen, Director,  
National Coalition For Drug-Free School Zones

**Coalition For Drug-Free School Zones  
Survey of State Drug Laws, 1989  
Survey Data**

State	Drug-Free School Zone	Zone Perimeter	Avail. Control Law	Prison Capacity (#)	Prison Occupancy (#)	Prison Fill (%)
Alabama	Yes	1 mile	Yes A	10,126	10,150	100
Alaska	Yes	Grounds	None	2,428	2,448	100
Arizona	Yes	300 ft	None	5,000	5,420	108
Arkansas	Yes		None	5,400	6,000	111
California	Yes	1000 ft	Yes A	96,129	140,791	146
Colorado	No		Yes A	5,400	6,500	120
Connecticut	Yes	1000 ft	None	7,200	7,400	103
Dist of C.	Yes-Pilot	1000 ft	None	6,730	7,300	108
Delaware	Federal	1000 ft	None	3,194	3,015	94
Florida	Yes	1000 ft	None	41,541	37,121	89
Georgia	No		Yes A,T	17,500	19,500	111
Hawaii	Yes	750 ft	Yes A	2,800	3,000	107
Idaho	No		None	1,160	1,444	124
Illinois	No		Yes A	16,684	21,775	130
Indiana	No		None	11,500	13,000	113
Iowa	Yes	1000 ft	None	2,975	3,100	104
Kansas	No		Yes T	5,767	5,574	97
Kentucky	Yes	1000 yd	Yes T	5,998	6,855	114
Louisiana	Yes	1000 ft	None	12,425	16,284	131
Maine	Yes	1000 ft	None	934	1,315	141
Massachusetts	Yes	1000 ft	None	6,200	11,000	177
Maryland	Yes	1000 ft	Yes A,T	10,996	13,961	127
Michigan	No		None	22,563	26,441	117
Minnesota	Yes	1000 ft	Yes A	2,964	3,063	103
Mississippi	Yes	500 ft	Yes T	6,000	7,000	120
Missouri	Yes	1000 ft	None	13,594	13,045	96
Montana	No		Yes A	754	1,070	142
Nebraska	No		Yes A	1,651	2,184	132
Nevada	Yes	1000 ft	No	4,649	5,295	114
New Hampshire	Yes	1000 ft	None	1,000	1,034	100
New Jersey	Yes	1000 ft	Yes A,T	15,600	18,400	118
New York	Yes	1000 ft	None	38,000	40,000	105
New Mexico	Yes	1000 ft	Yes A	2,671	2,859	107
N. Carolina	Pending	1000 ft	None	15,000	17,000	113
N. Dakota	No		Yes A,T	550	515	94
Ohio	Pending		None	18,100	27,000	149
Oklahoma	Yes	1000 ft	Yes A	7,888	9,391	119
Oregon	Federal	1000 ft	None	4,600	5,101	111
Pennsylvania	Yes	1000 ft	None	13,468	18,506	137
Rhode Island	Yes	500 ft	None	1,804	2,153	119
S. Carolina	Yes	1/2 mile	Yes A	12,585	13,067	104
S. Dakota	No		Yes A	1,050	1,050	100
Tennessee	No		Yes A	7,754	7,652	99
Texas	Proposed	1000 ft	Yes A	41,600	42,000	101
Utah	Yes	1000 ft	Yes A	2,500	3,000	120
Vermont	Yes	1000 ft	None	597	717	120
Virginia	Yes	1000 ft	None	11,460	13,125	114
Washington	Yes	1000 ft	Yes A,T	5,868	6,639	114
West Virginia	Federal	1000 ft	None	1,300	1,451	112
Wisconsin	Yes	1000 ft	None	4,800	6,200	129
Wyoming	No		None	850	850	100
TOTAL	Zones: 36 Pro/Pen: 3 None: 12	M:1000ft L: 1 mile S: 300 ft	#: 23 A: 20 T: 8	539,307	638,761	118
Ver. 10/20/89						

**DRUG-  
FREE  
SCHOOL  
ZONE**

If you need help for  
a drug problem, call:  
**1 800 225-0196.**

If you see someone  
breaking New Jersey's  
drug laws, call the  
Morris County  
Tipline:  
**(201) COP-CALL.**

All calls are strictly  
confidential.

**Sponsored by the Attorney General's Statewide Narcotics Task Force.**

## **Students' Rights Card**

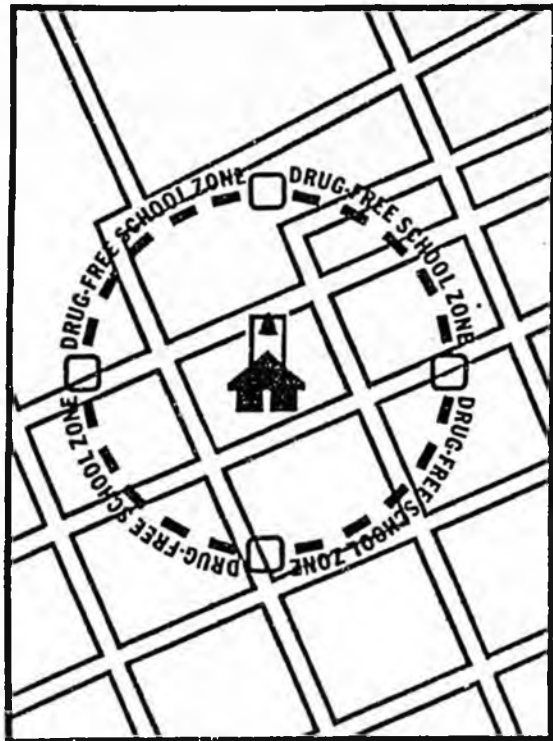
In New Jersey:

1. You have the right to attend a school that is free of drugs and violence.
2. You have the right to walk or drive to school without having to face someone selling drugs.
3. You have the right to drug education programs in your school and to learn how and why to say "no" to drugs.
4. If you already have problems with drugs and alcohol, you have the right to seek treatment and confidential counselling.
5. You have the right to grow up healthy and be the best you can be.

This is an ENLARGED version of a WALLET SIZE  
card given to EVERY student (k-12) in New Jersey.

**Drug-Free School Zones**  
are areas surrounding each  
school beginning at the  
outermost boundary of the  
school property  
and extending  
1000 feet from  
that point.

**DRUG-  
FREE  
SCHOOL  
ZONE**



*This Brochure printed courtesy of:*



*The American Dream Team*

Commission to Deter Criminal Activity  
5 Market Street CN085  
Montclair, New Jersey 08625-0085

**Don't get  
caught with  
drugs here.**



Dear New Jersey Resident:

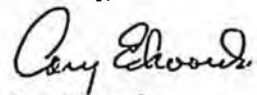
New Jersey now has one of the toughest drug laws in the nation. Our new law recognizes that if we are ultimately to win the so-called "war" on drugs, we can only succeed by reducing the demand for illicit substances. This, in turn, will largely depend on the new school education programs designed to teach our young people how and why they should say no to drugs. Our schools, in other words, will serve as the focal point of our efforts to raise a truly drug-free generation and ultimately win this war.

We must, therefore, be certain that schools and the areas around them, the "Drug-Free School Zones," are safe havens for children, not convenient marketplaces for drug dealers or users. We are even putting signs up across the State to make you, the citizens of New Jersey, aware of our strategy. Our children are entitled to an environment conducive to their education, one that is free of drugs and where drug trafficking activities are not tolerated. Children should not be able to look out their classroom window and see a drug deal taking place. They should not be able to find used "crack" vials littered around school playgrounds. They should not be propositioned to buy or use drugs while walking to school or in school buildings.

In sum, we must as an absolute priority do everything we can to keep innocent children as far away from the drug culture for as much of the day as possible. In this way, with your help, we can give our new K-12 drug education programs and drug awareness coordinators a chance to do their jobs of teaching our children how and why to say no to drugs. We are all soldiers in this war and we must join together and fight for a generation free of drugs.

Thank you for your help with this program, which is vital to the future of New Jersey's children.

Sincerely,



Cary Edwards  
ATTORNEY GENERAL OF NEW JERSEY

The Commission to Deter Criminal Activity was established in 1984 as part of the Department of Law and Public Safety and represents various law enforcement organizations, governmental officials and private citizens.

The Commission is focused on the drug and alcohol problem in New Jersey and will educate the public about the penalties of violating the Drug Reform Act of 1987.

# The New Jersey Drug Laws:

## In a Drug-Free School Zone

- Any adult convicted of dealing or passing any type of illegal drug, other than marijuana, will get three years in prison without parole.



- Any adult convicted of dealing even a small amount of marijuana will get one year in prison without parole.
- Anyone convicted of passing a drug could be considered a dealer and therefore is also subject to prison without parole.
- Anyone convicted of simply having any type of illegal drug in a Drug-Free School Zone will have to do 100 hours of community service.



Be aware that under the law an adult is someone 18 years old and over. In addition, a juvenile, 14 years old and over, can be treated as an adult in an adult court.

**Don't mess with  
drugs in New Jersey schools.**

## Everywhere in New Jersey

- Anyone convicted of any drug offense will automatically lose his or her driver's license. It doesn't matter if a car was used in committing the offense.
- Anyone under 17 years of age who is convicted of any drug offense will not be able to get his or her driver's license for at least six months after turning 17.



- Anyone convicted of any drug offense, including use, will have to pay a special cash penalty, which starts at \$500 and goes up to \$3,000. This money is intended for drug education and prevention programs.
- Any adult convicted of dealing or giving drugs to someone under 18 years old will have the regular penalties doubled.
- Any adult who is convicted of being in charge of a drug dealing ring will go to jail for 25 years without parole.
- Any adult (over 18 years old) who is convicted of using or employing a juvenile (under 18 years old) in a drug dealing ring will go to jail for five years without parole.

If you need further information contact the Attorney General's Statewide Narcotics Task Force, 6th Floor, Hughes Justice Complex, Trenton, New Jersey 08625, (609) 292-5939.

# The New Jersey Drug Laws:

## Everywhere in New Jersey

- Anyone convicted of any drug offense will automatically lose his or her driver's license. It doesn't matter if a car was used in committing the offense.
- Anyone under 17 years of age who is convicted of drug offense will not be able to get his or her driver's license for at least six months after turning 17.
- Anyone convicted of any drug offense, including use, will have to pay a special cash penalty, which starts at \$500 and goes up to \$3,000. This money is intended for drug education and prevention programs.
- Any adult convicted of dealing or giving drugs to someone under 18 years old will have the regular penalties doubled.
- Any adult who is convicted of being in charge of a drug dealing ring will go to jail for 25 years without parole.
- Any adult (over 18 years old) convicted of using or employing a juvenile (under 18 years old) in a drug dealing ring will go to jail for five years without parole.



The people of New Jersey want you to grow up healthy and become the best you can be. You can't succeed the long run by taking illegal drugs. When it comes to illegal drugs, we mean business.

# DRUG-FREE SCHOOL ZONE

\*\*THIS IS A REDUCED VERSION OF THE ORIGINAL 18 X 18 OAK TAG MODEL SENT TO EVERY CLASS IN N.J. AND MANDATED TO BE TAUGHT K-12

## The New Jersey Drug Laws:

### In a Drug-Free School Zone

- Any adult convicted of dealing or passing any type of illegal drug, other than marijuana, will get three years in prison without parole.
- Any adult convicted of dealing even a small amount of marijuana will get one year in prison without parole.

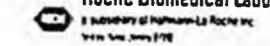


- Anyone convicted of passing a drug could be considered a dealer and therefore subject to prison without parole.
- Anyone convicted of simply having any type of illegal drug in a Drug-Free School Zone will have to do 100 hours of community service.

Be aware that under the law an adult is someone 18 years old and over. In addition, a juvenile, 14 years old and over, can be treated as an adult in an adult court.

### Don't mess with drugs in New Jersey schools.

This poster furnished by The Commission To Deter Criminal Activity in conjunction with Roche Biomedical Laboratories



# Do you know what this means?

Signs have been placed around your school to let people know they are in a Drug-Free School Zone. Under New Jersey's law, anyone who is convicted of dealing drugs in a school zone must, by law, go to jail. This law will be strictly enforced by every police department in New Jersey. Police officers will be in and around your school. They will do their best to make sure that you will not have to face someone selling drugs. Protecting you is their most important job.

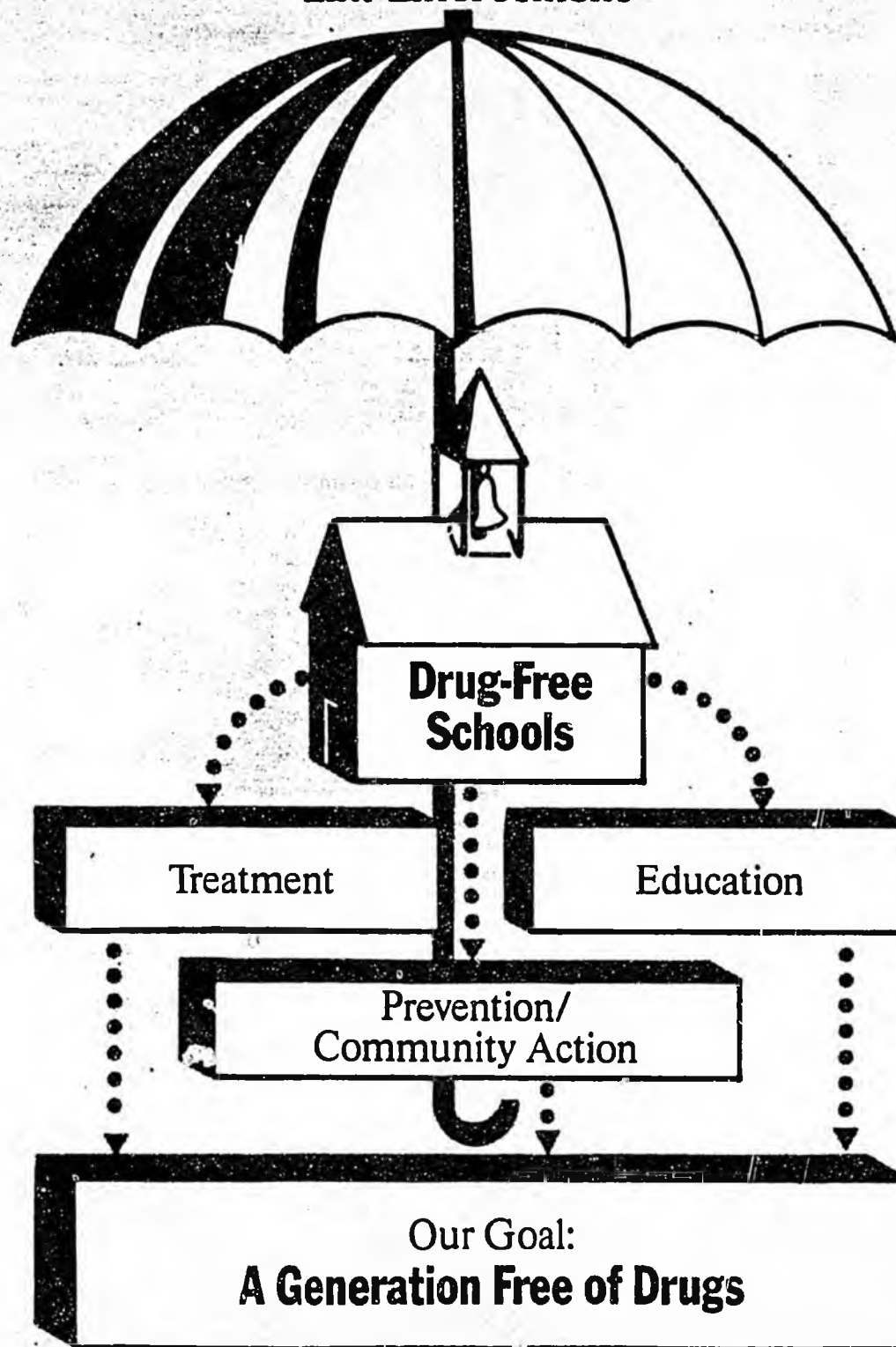
We hope that this law, in addition to drug education and student assistance programs in your school, will help you say no to drugs. You can be part of the solution to make your school drug-free and create a generation free of drugs.

Be aware that under the law an adult is someone 18 years old and over. In addition, a juvenile, 14 years and over, can be treated as an adult in an adult court.

**Drug-Free  
School Zones = Drug-Free  
Schools = A Generation  
Free of Drugs**

New Jersey's  
**DRUG-FREE SCHOOLS**  
Demand Reduction Strategy

**Law Enforcement**



# New Jersey's **DRUG-FREE SCHOOLS** Demand Reduction Strategy

Recognizing the present level of use and demand for illegal drugs, it is foolish to believe that the law enforcement community alone can win the war on drugs. Law enforcement can, however, dedicate their resources to eliminate the sale, distribution, and use of illegal drugs from our school buildings, school property, and areas around our schools. This effort will create a safe environment for our children so that they may gain the benefits of our drug education programs. New Jersey's "**Drug-Free Schools**" Program is law enforcement's contribution to a comprehensive strategy designed to create a "Generation Free of Drugs."

**The "Drug-Free Schools" part of New Jersey's demand reduction strategy is founded on the principle that the law enforcement community with some new tools and the support of the rest of government has committed to create "Drug-Free Schools" throughout the entire state. This newly created drug-free school environment will then allow the drug education programs, expanded and planned new drug treatment concepts, and new community action alliance prevention initiatives the chance to work towards making the next generation a "Generation Free of Drugs."**

A generation (17 years) free of drugs can only be realistically achieved through a 17-year effort of new education, treatment and prevention programs. These non-law-enforcement components of the demand reduction strategy include the K through 12 education program now being instituted in our schools and the new substance abuse coordinators being installed in all New Jersey's school districts over 1988 through 1990 school years.

These education programs, coupled with the effective treatment programs for adults and children and the establishment of comprehensive community alliance prevention program for each of the 567 communities in New Jersey will help to ensure the success of law enforcement's Drug-Free School program and ultimately create a "Generation Free of Drugs."

New Jersey recognizes that our schools serve as the primary medium for reducing the demand for drugs. Protecting our schools is the greatest possible contribution law enforcement can make in achieving our goal: **A GENERATION FREE OF DRUGS.**

# Sign of the Times—Drug-Free N.J.

Brand new blue and white signs are springing up all across the state. They are unlike any other signs in the country. "Drug-Free School Zone," they proclaim. These signs have generated a great deal of discussion, and have raised a number of questions. What is a "drug-free school zone?" What is hoped to be accomplished by posting signs?

Designed to heighten public awareness regarding New Jersey's tough new drug laws, the signs were posted to raise precisely this type of question, while simultaneously alerting the public to the existence of "drug-free school zones."

Under the new law, the Comprehensive Drug Reform Act of 1987, which became effective on July 9, 1987, drug-free school zones extend 1,000 feet in all directions from the outer boundaries of every elementary and secondary school in the state. The zones are not limited to public schools, but include private and parochial schools as well. The law now provides that anyone distributing drugs within those school zones faces enhanced punishment. Specifically, a dealer who operates in a school zone is subject to a minimum mandatory term of three years imprisonment with no possibility of parole.

The goal of law enforcement is to move drug sales and possession at least 1,000 feet outside of all the schools in the state. This will give the new drug education, general education and new drug coordinators in our schools over the next generation a chance to win the war which law enforcement cannot win alone. The creation of drug-free zones around the more than 2,400 schools is a realistic and achievable goal.

The especially tough punishment for drug-free school zone offenders is not restricted to dealers alone. A person, juvenile or adult, who uses or possesses an illicit drug within a school zone faces a mandatory 100 hours of community service. This is in addition to the \$500 penalty which will be returned to the community for drug education and prevention, and the mandatory revocation or postponement of a driving license for at least six months and up to two years.

The drug-free school zone component of New Jersey's Comprehensive Drug Reform Act is not without its share of controversy. No innovative law ever is. It has been suggested that by providing enhanced punishment for school zone offenders, we may simply be encouraging dealers to set up shop just outside the school zone boundaries and that it would be better to simply post signs proclaiming a drug-free New Jersey. These are fair propositions which require a candid response.

We know that despite our best efforts, the war on drugs cannot be won overnight. A drug-free New Jersey—not a warning on signs—is our ultimate and long range goal. Tough laws alone cannot achieve that goal. But we can take immediate steps to rid schools and the adjacent areas of drug trafficking.

With the help of the education community, a drug-free school zone is a goal which is enforceable, is realistic, and by Dec. 31, 1988 our 14-month implementation plan of this new law should be in full swing.

This does not mean that we plan to tolerate or ignore drug offenses occurring outside of school zones. It merely means that we are setting realistic goals. Our new law provides tough punishment for all offenders, and New Jersey now has a mandatory arrest policy throughout the state. But we have directed many of our limited resources and efforts specifically to patrolling school zones. The question then becomes, why focus on schools?

Our new law recognizes that if we are ultimately to win the so-called "war" on drugs, success will depend on reducing the demand for illicit substances. This, in turn, will depend on the new education programs being utilized in our schools. Designed to teach our young people how and why they should "say no," these programs will actuate a fundamental reversal of society's tolerance of drug use. New Jersey's new penal law recognizes as much. It also recognizes that our schools will serve as one of the primary mediums for achieving this long-range objective.

We must therefore be certain that schools and the areas

around them are safe havens for children, not marketplaces for drug dealers or users. By vigorously enforcing our drug-free school zone plan, law enforcement will fulfill part of its vital role in promoting critically important demand reduction initiatives. Almost one-third of children try drugs before the 9th and 10th grade and about two-thirds by the time they finish high school.

Our children are entitled to an environment which is conducive to education, free of drugs and where drug trafficking activities will not be tolerated. Children should not be able to look out their classroom window and see a drug deal taking place. They should not be able to find used "crack" vials littered around school playgrounds. They should not be propositioned to buy or use drugs while walking to school or inside school buildings.

Therefore, we must, as an absolute priority, do everything we can to keep innocent children as far away from the drug culture for as much of the day as possible. This gives our new K-12 drug coordinated curriculum program and new drug coordinators and counselors a chance to do their jobs.

The reason for creating drug-free school zones is thus apparent: We intend to push the drug pushers away from children, who are the most vulnerable and impressionable of drug victims. We want to make drugs less available to our children, and force them to go to greater lengths to complete illicit transactions. We want to make it harder for dealers to get to our children.

Some students, of course, especially those who are already regular users or who are drug dependent, will follow the dealers to their new locations. It's our belief, however, that with this comprehensive coordinated approach the next generation and the older children not yet involved will not follow the drug dealer and will have the tools to know "how" and "why" to say no.

The new signs, in turn, evidence our resolve to vigorously enforce this new law which is among the toughest in the nation. Knowledge of where the drug-free school zones are and what a violation means will speed the process of achieving our goal of "getting the user and the pusher 1,001 feet away from schools." The signs remind everyone that the drug problem is pervasive, that no community has been spared, and more importantly, that the zones exist and we intend to make our schools drug-free. They will also serve to remind us to be vigilant at all times. We hope, in this regard, that law abiding citizens will help us to achieve this goal by calling the police whenever they see illegal drug activities within these "drug-free school zones."

These new signs are not, and were never meant to be, the answer to our drug problem. Rather, they are a very small but highly visible part of a much larger, comprehensive program designed to address both the supply and demand sides of this deadly problem.

Some may argue that these signs are empty symbols, without meaning or impact. Rest assured, however, that there will be many disbelieving drug predators sitting in prison who will have three long years to contemplate the symbolism. More importantly, more than one million children of the next generation will have a better chance to grow up drug free and be the best they can be.

The plans and tools are in place but only the local community, with the involvement of town governments, police departments, local educators and citizens, can really make our goal for the next generation of children a reality.



CARY EDWARDS  
Attorney General of New Jersey

Attorney General Edwards was assisted in the writing of this article by Ron Susswein in the Division of Criminal Justice, Department of Law and Public Safety.

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NJ Department of Law and Public Safety/Office of Attorney General: Divisions of: Alcoholic Beverage Control • Civil Rights • Consumer Affairs • Criminal Justice • Gaming Enforcement • Highway Traffic Safety • Law • Motor Vehicles • Racing • State Police. Other agencies: Commission on Missing Persons • Executive Commission on Ethical Standards • Election Law Enforcement Commission • State Law Enforcement Planning Agency • State Athletic Control Board • Violent Crimes Compensation Board.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: Illegal drugs/schools/pregnant women BRU: Alaska State Troopers  
 Sponsor: Senator Falks Component: Detachments and C.I.B.  
 Requestor: Senate Finance

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	-0-	-0-	-0-	-0-	-0-	-0-
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)

No fiscal impact anticipated.

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

Phone: 269-5691  
 Date: 01/23/90

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

Date: 1-23-90  
 Page 1 of 1

*Francis C. Allan*  
1/23/90

SB 340  
FILE

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the delivery  
and possession of controlled substances..."  
Sponsor: Sen. Faiks  
Requestor: Sen. Faiks

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	---	---	---	---	---	---

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	---	---	---	---	---	---
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS:**

FULL-TIME	---	---	---	---	---	---
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: Douglas B. Bailey, Attorney General  
Agency: Department of Law

Phone: 465-3672  
Date: January 23, 1990  
Date: January 23, 1990

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